

MEETING NO. 14
July 11, 2002

ERIE COUNTY LEGISLATURE

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The Legislature was called to order by Chairman DeBenedetti.

All Members Present except Legislator Swanick.

The invocation was led by Rev James Josey – Pastor, New Fellowship Church of God in Christ.

The Pledge of Allegiance was led by Mr. McCarville.

Item 1 – CHAIRMAN DeBENEDETTI directed that Comm. 13E-45 (2001) remain on the table.

MR. GREENAN moved the approval of the minutes of Meeting No. #3 of 2002. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MISCELLANEOUS RESOLUTIONS

Item 2 – MS. CUSACK presented a resolution Honoring Hayes Fish Company's 125th Anniversary. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

Item 3 – MR. WEINSTEIN presented a resolution Welcoming Schafer Sales Development Group to Amherst. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

Item 4 – MS. PEOPLES presented a resolution Honoring Waymon Brown, Jr for His Service to the Community. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 5 – MS. PEOPLES presented a resolution Honoring Sheila Slaughter for Her Outstanding Community Service & 25 Years with Order of Eastern Star. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

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Item 6 – MS. PEOPLES presented a resolution Honoring Leola Hill for Her Dedication to Her Church & Community. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 7 – CHAIRMAN DeBENEDETTI directed that Local Law No. 9 (Print #1) 2001 be referred to the HUMAN SERVICES COMMITTEE.

Item 8 – CHAIRMAN DeBENEDETTI directed that Local Law No. 9 (Print #2) 2001 be referred to the HUMAN SERVICES COMMITTEE.

Item 9 – CHAIRMAN DeBENEDETTI directed that Local Law No. 9 (Print #3) 2001 be referred to the HUMAN SERVICES COMMITTEE.

Item 10 – MR. GREENAN moved to receive and file Local Law No. 10 (Print #1) 2002. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 11 – CHAIRMAN DeBENEDETTI directed that Local Law No. 4 (Print #1) 2002 remain on the table.

Item 12 – CHAIRMAN DeBENEDETTI directed that Local Law No. 5 (Print #1) 2002 be referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 13 – CHAIRMAN DeBENEDETTI directed that Local Law No. 7 (Print #1) 2002 remain on the table.

COMMITTEE REPORTS

Item 14 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 287

June 27, 2002

ECONOMIC DEVELOPMENT

COMMITTEE
 REPORT NO. 11

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.
- a. Item Page -2001 (Comm. 4M-8)
BUILDING TRADES AFL-CIO & NCA: Public Sector Project Labor Agreements – An Objective Review.
 (5-0)
- b. Item Page -2001 (Intro. 4-12)
FITZPATRICK, DUSZA & PEOPLES: A Review of the Effectiveness of Project Labor Agreements (PLAs) for Public Construction Projects.
- c. Item Page -2001 (Intro. 8-3)
RANZENHOFER: Support for Open Bidding Process for Phase II, Eire County Family Courthouse Project.
 (5-0)
- d. Item Page -2001 (Comm. 19E-2)
COUNTY EXECUTIVE: Erie County Master Plan – Project Labor Agreement.
 (5-0)
- e. Item Page -2001 (Comm. 19E-27)
FITZPATRICK: Letter to County Executive Re: PLA.
 (5-0)
- f. Item Page -2001 (Comm. 21M-8)
TURNER CONSTRUCTION COMPANY: Letter to Chairman Swanick Reporting MBE/WBE Involvement on New Family Court Project.
 (5-0)
- g. Item Page -2001 (Comm. 27D-2)
COUNTY ATTORNEY: Copy of Memo to County Executive Re: Courthouse Project – PLA.
 (5-0)
- h. Item Page -2002 (Comm. 5D-19)
COUNTY ATTORNEY: Copy of Letter to Legislators Dale & Schroeder re: Response to Letter in Regards to PLAs.
 (5-0)
- Item Page -2002 (Comm. 5E-8)

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- i. **SCHROEDER:** Letter to Clerk Re: Attached Copy of Letter to County Executive on Project Labor Agreement for Phase II of County Courthouse Project.
 (5-0)

- | | | | | |
|--|------|------|-------|---------------|
| | Item | Page | -2002 | (Intro. 8-12) |
|--|------|------|-------|---------------|
- j. **DALE, SCHROEDER, DUSZA, MARINELLI & SWANICK:** Withdrawing Appeal of Justice Glownia's Decision Concerning Dual Bid System for Court Facilities Renovation.
 (5-0)

- | | | | | |
|--|------|------|-------|---------------|
| | Item | Page | -2002 | (Comm. 12D-2) |
|--|------|------|-------|---------------|
- k. **COUNTY ATTORNEY:** Memo to Clerk Re: Judge Glownia's Decision.
 (5-0)

- | | | | | |
|--|------|------|-------|---------------|
| | Item | Page | -2002 | (Comm. 12D-6) |
|--|------|------|-------|---------------|
- l. **DPW:** Courthouse Bid Results.
 (5-0)

- | | | | | |
|--|------|------|-------|----------------|
| | Item | Page | -2002 | (Comm. 12E-12) |
|--|------|------|-------|----------------|
- m. **COUNTY EXECUTIVE:** Terminating PLA for Phase II of EC Courts Master Plan Implementation Project.
 (5-0)

- | | | | | |
|--|------|------|-------|---------------|
| | Item | Page | -2002 | (Intro. 12-1) |
|--|------|------|-------|---------------|
- n. **RANZENHOFER:** Support for Terminating the Project Labor Agreement (PLA) on Phase II of the Erie County Courthouse Renovation Project.
 (5-0)

2. RESOLVED, that the following item is hereby referred to the Finance and Management Committee.

- | | | | | |
|--|------|------|-------|----------------|
| | Item | Page | -2002 | (Comm. 10E-16) |
|--|------|------|-------|----------------|
- a. **COUNTY EXECUTIVE:** Granting Utility Easement to Niagara Mohawk Power Corp at 663 Kensington Avenue, City of Buffalo.
 (5-0)

- | | | | | |
|--|------|------|-------|----------------|
| | Item | Page | -2002 | (Comm. 13E-44) |
|--|------|------|-------|----------------|
3. **COUNTY EXECUTIVE**

WHEREAS, Kideney Architects has a General Architectural/ Engineering Agreement with the County to provide architectural/ engineering services for the Ralph Wilson Stadium – 2001 Improvements – Merchandising Expansion, and

WHEREAS, the architectural/engineering scope of services has changed,

NOW, THEREFORE, BE IT,

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RESOLVED, that the Commissioner of Public Works be authorized to issue a change order to Kidney Architects' General Architectural/ Engineering agreement increasing the amount from \$32,500.00 to \$57,500.00 to cover the cost of architectural/engineering services and scope of services during construction, and be it further,

RESOLVED, that funding for this change order shall be from the 2002 Stadium Renovation Capital Budget, Project 284, Fund 410, in the amount of \$25,000.00, and be it further,

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget, Management & Finance; and one copy to the Office of the Comptroller.
 (4-1) Legislator Larson in the Negative.

MICHAEL H. RANZENHOFER
CHAIRMAN

MR. RANZENHOFER moved to separate items #1b & #3 and moved the approval of the balance of the report. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

MR. RANZENHOFER moved to amend item #1b. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

ADD at the end of the item: (5-0)

MR. RANZENHOFER moved to receive and file the item as amended. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

MR. RANZENHOFER moved to approve item #3. MR. GREENAN seconded. MR. LARSON voted in the negative.

CARRIED. (WEIGHTED VOTE: 14.766 – 1.192)

Item 15 – MR. LARSON presented the following resolution and moved for immediate consideration. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 288

June 27, 2002

FINANCE & MANAGEMENT

COMMITTEE
 REPORT NO. 10

ALL MEMBERS PRESENT.

1. RESOLVED, that the following item is hereby received and filed.

a.	Item	Page	-2002	(Comm. 13D-1)
	BUDGET, MANAGEMENT & FINANCE: Budget Monitoring Report for Period Ending 4/30/02.			
	(5-0)			

AS AMENDED
 (Comm. 1D-9A)

2. Item Page -2001
BUDGET, MANAGEMENT & FINANCE

(A)

WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556 and

EMAIL DOCUMENT IS 202842.DOC

WHEREAS, the Director has investigated the validity of such applications (see attached listing) now therefore be it ,

RESOLVED, that petitions numbered 202843 through 202843 inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Services and be charged back to the applicable Towns and / or Cities.

Petition No. 202843 / 1999 - ASSESSOR - Refund - \$30.00

SBL No. 46.00-2-2.1 & 2 OTHERS - TOWN OF NEWSTEAD

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 30.00 - Town/SpecialDist/School

Charge to : TOWN OF NEWSTEAD 30.00

REFUND - CLERICAL ERROR, THIS PARCEL IS EXEMPT FROM SPECIAL ASSESSMENT - WATER DSISTRICT #5. THIS PARCEL IS IN AN AGRICULTURAL DISTRICT AND IS USED FOR CROP PRODUCTION. RPTL 550(2)E
 CHECK IN FAVOR OF: RONALD & JUDY DAWYDKO

THE DIRECTOR OF REAL PROPERTY TAX SERVICES IS REQUESTING THAT THIS PETITION IS DENIED. APPLICATION ACCORDING TO NEW YORK STATE REAL PROPERTY TAX LAW STATES THIS APPLICATION HAD TO BE RECEIVED BY February 14, 2002 BEFORE THE THE DATE THE WARRANT IS ANNEXED FEBRUARY 15, 2002. APPLICATION WAS RECEIVED ON JUNE 25, 2002.

(4-1) Legislator Ranzenhofer in the negative.

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(B)

WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556 and

EMAIL DOCUMENT IS 202841.DOC

WHEREAS, the Director has investigated the validity of such applications (see attached listing) now therefore be it ,

RESOLVED, that petitions numbered 202814 through 202841 inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Services and be charged back to the applicable Towns and / or Cities.

Petition No. 202814 / 9900 - ASSESSOR - Refund - \$180.22

SBL No. 42.16-1-44 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 180.22 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 180.22

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 7,200 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL.RPTL 550(2)C WILLIAMSVILLE CENTRAL
CHECK IN FAVOR OF: JULIE & STEVAN VANVLIET

Petition No. 202815 / 1 - ASSESSOR - Refund - \$370.36

SBL No. 42.16-1-44 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 370.36 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 370.36

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 20,000 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C
CHECK IN FAVOR OF: STEVAN & JULIE VANVLEIT

Petition No. 202816 / 102 - ASSESSOR - Refund - \$563.09

SBL No. 42.16-1-44 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

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Acct. No. 132 - \$ 563.09 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 563.09

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF
 30,000 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE
 TAX ROLL. RPTL 550(2)C WILLIAMSVILLE CENTRAL
 CHECK IN FAVOR OF: JULIE &N STEVAN VAN VLIET

Petition No. 202817 / 102 - ASSESSOR - Refund - \$563.09

SBL No. 55.12-4-12 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 563.09 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 563.09

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF
 30,000 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE
 TAX ROLL. RPTL 550(2)C WILLIAMSVILLE CENTRAL
 CHECK IN FAVOR OF: PAUL & ANNETTE CANNON

Petition No. 202818 / 102 - ASSESSOR - Refund - \$563.10

SBL No. 56.63-1-1./20M8 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 563.10 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 563.10

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF
 30,000 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE
 TAX ROLL. RPTL 550(2)C WILLIAMSVILLE CENTRAL
 CHECK IN FAVOR OF: BLANCHE & EUGENE STEMPE

Petition No. 202819 / 9900 - ASSESSOR - Refund - \$180.21

SBL No. 68.10-7-34 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 180.21 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 180.21

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF
 7,200 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE
 TAX ROLL. RPTL 550(2)C WILLIAMSVILLE CENTRAL

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CHECK IN FAVOR OF: LENA GALLETTI

Petition No. 202820 / 1 - ASSESSOR - Refund - \$370.37

SBL No. 68.10-7-34 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 370.37 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 370.37

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF
20,000 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM
THE TAX ROLL. RPTL 550(2)C WILLIAMSVILLE CENTRAL

CHECK IN FAVOR OF: LENA GALLETTI

Petition No. 202821 / 102 - ASSESSOR - Refund - \$563.09

SBL No. 68.10-7-34 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 563.09 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 563.09

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF
30,000 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE
TAX ROLL. RPTL 550(2)C WILLIAMSVILLE CENTRAL

CHECK IN FAVOR OF: LENA GALLETTI

Petition No. 202822 / 203 - ASSESSOR - Cancel - \$83.69

SBL No. 69.13-3-35 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 83.69 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 13.52
VILLAGE OF WILLIAMSVILLE 70.17

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY
ON THE TAX ROLL. THE ASSESSMENT WAS 105,600 AND SHOULD BE 86,000.
RPTL 550(2)A

Petition No. 202823 / 203 - ASSESSOR - Cancel - \$114.32

SBL No. 80.08-6-33 - TOWN OF AMHERST

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Acct. No. 112 - \$ 0.00 - County
 Acct. No. 132 - \$ 114.32 - Town/SpecialDist/School
 Charge to : TOWN OF AMHERST 16.77
 VILLAGE OF WILLIAMSVILLE 97.55

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY
 ON THE TAX ROLL. THE ASSESSMENT WAS 124,300 AND SHOULD BE 100,000.
 RPTL 550(2)A

Petition No. 202824 / 2002 - ASSESSOR - Refund - \$307.74
 SBL No. 81.06-3-35 - TOWN OF AMHERST
 Acct. No. 112 - \$ 145.41 - County
 Acct. No. 132 - \$ 162.33 - Town/SpecialDist/School
 Charge to : TOWN OF AMHERST 162.33

REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF
 30,000 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM
 THE TAX ROLL. RPTL 550(2)C
 CHECK IN FAVOR OF: GERTRUDE MERCER

Petition No. 202825 / 102 - ASSESSOR - Refund - \$563.09
 SBL No. 70.06-5-21 - TOWN OF CLARENCE
 Acct. No. 112 - \$ 0.00 - County
 Acct. No. 132 - \$ 563.09 - Town/SpecialDist/School
 Charge to : BASIC STAR EXEMPTION 563.09

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF
 30,000 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE
 TAX ROLL. RPTL 550(2)C WILLIAMSVILLE CENTRAL
 CHECK IN FAVOR OF: TAN DONGFENG & ZOU HONG

Petition No. 202826 / 2002 - ASSESSOR - Refund - \$2,230.23
 SBL No. 182.12-2-11.112 - TOWN OF HAMBURG
 Acct. No. 112 - \$ 0.00 - County
 Acct. No. 132 - \$ 2,230.23 - Town/SpecialDist/School
 Charge to : WOODLAWN FIRE PROTECT 2,230.23

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REFUND - UNLAWFUL ENTRY, PARCEL IS LOCATED ENTIRELY OUTSIDE THE
WOODLAWN FIRE DISTRICT. RPTL 550(7)B
CHECK IN FAVOR OF: ROSEANN CELLINO

Petition No. 202827 / 203 - ASSESSOR - Cancel - \$33.36

SBL No. 196.09-5-36 - TOWN OF HAMBURG

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 33.36 - Town/SpecialDist/School

Charge to : VILLAGE OF HAMBURG

33.36

CANCEL - UNLAWFUL ENTRY, PARCEL IS OWNED BY THE STATE OF NEW YORK
AND IS WHOLLY EXEMPT FROM TAXES. PARCEL WAS ACQUIRED ON DECEMBER 18,
2001. RPTL 550(7)A

Petition No. 202828 / 102 - ASSESSOR - Refund - \$628.21

SBL No. 79.22-8-23 - TOWN OF TONAWANDA

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 628.21 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION

628.21

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF
21,130 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM
THE TAX ROLL. RPTL 550(2)C KEN-TON SCHOOL DISTRICT
CHECK IN FAVOR OF: DAVID & LISA NELSON

Petition No. 202829 / 203 - ASSESSOR - Cancel - \$272.44

SBL No. 164.16-1-39 - TOWN OF AURORA

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 272.44 - Town/SpecialDist/School

Charge to : VILLAGE OF EAST AURORA

272.44

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION WAS MISCALCULATED.
THE EXEMPTION RECEIVED WAS 5,500 AND SHOULD BE 24,460. RPTL 550(2)B

Petition No. 202830 / 2001 - ASSESSOR - Refund - \$349.72

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SBL No. 165.17-6-31 - TOWN OF AURORA

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 349.72 - Town/SpecialDist/School

Charge to : NYS STAR ENHANCED EXEMPTI 349.72

REFUND - CLERICAL ERROR, THE STAR EXEMPTION IN THE AMOUNT OF 9,972 WAS MISCALCULATED AND SHOULD BE 21,998. RPTL 550(2)B
CHECK IN FAVOR OF: JORIS & BARBARA BOOI
EAST AURORA UNION FREE

Petition No. 202831 / 102 - ASSESSOR - Refund - \$349.72

SBL No. 186.00-1-30 - TOWN OF AURORA

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 349.72 - Town/SpecialDist/School

Charge to : NYS STAR ENHANCED EXEMPTI 349.72

REFUND - CLERICAL ERROR, THE STAR EXEMPTION IN THE AMOUNT OF 9,972 WAS MISCALCULATED. THE CORRECT AMOUNT OF THE EXEMPTION IS 21,998.
RPTL 550(2)B EAST AURORA UNION FREE SCHOOL DIST
CHECK IN FAVOR OF: JORIS & BARBARA BOOI

Petition No. 202832 / 102 - ASSESSOR - Refund - \$366.76

SBL No. 186.00-1-30 - TOWN OF AURORA

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 366.76 - Town/SpecialDist/School

Charge to : NYS STAR ENHANCED EXEMPTI 366.76

REFUND - CLERICAL ERROR, THE ENHANCED STAR EXEMPTION IN THE AMOUNT OF 16,718 WAS MISCALCULATED. THE CORRECT AMOUNT SHOULD BE 29,330.
RPTL 550(2)B EAST AURORA UNION FREE SCHOOL DISTRICT
CHECK IN FAVOR OF: CHARLES D & PHYLLIS CACCAMISE

Petition No. 202833 / 2002 - ASSESSOR - Refund - \$2,230.23

SBL No. 182.12-2-11.112 - TOWN OF HAMBURG

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 2,230.23 - Town/SpecialDist/School

Charge to : WOODLAWN FIRE PROTECT 2,230.23

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REFUND - UNLAWFUL ENTRY, PARCEL IS BEING CHARGED FOR THE WOODLAWN
FIRE DISTRICT. THIS PARCEL IS LOCATED ENTIRELY OUTSIDE THE WOODLAWN
FIRE DISTRICT. RPTL 550(7)A
CHECK IN FAVOR OF: ROSEANN CELLINO

Petition No. 202834 / 2002 - ASSESSOR - Cancel - \$1,097.23

SBL No. 141.43-2-26 & 17 OTHERS - CITY OF LACKAWANNA

Acct. No. 112 - \$ 1,097.23 - County

Acct. No. 132 - \$ 0.00 - Town/SpecialDist/School

Charge to :

CANCEL - CLERICAL ERROR, PARCELS ARE OWNED BY THE CITY OF LACKAWANNA
AND ARE EXEMPT FROM COUNTY OF ERIE TAXS. RPTL 550(2)C

Petition No. 202835 / 2002 - ASSESSOR - Refund - \$100.00

SBL No. 46.00-2-2.1 & 3 OTHERS - TOWN OF NEWSTEAD

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 100.00 - Town/SpecialDist/School

Charge to : TOWN OF NEWSTEAD

100.00

REFUND - CLERICAL ERROR, THIS PROPERTY IS EXEMPT FROM SPECIAL DISTRICT
ASSESSMENTS BECAUSE IT IS IN AN AGRICULTURAL DISTRICT AND THE LAND
IS USED FOR CROP PRODUCTION. RPTL 550(2)E
CHECK IN FAVOR OF: RONALD & JUDY DAWYDKO

Petition No. 202836 / 2001 - ASSESSOR - Refund - \$75.00

SBL No. 46.00-1-2-2.1 & 2 OTHERS - TOWN OF NEWSTEAD

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 75.00 - Town/SpecialDist/School

Charge to : TOWN OF NEWSTEAD

75.00

REFUND - CLERICAL ERROR, PARCELS ARE EXEMPT FROM CERTAIN SPECIAL
ASSESSMENTS. THESE PARCELS ARE IN AGRICULTURAL DISTRICTS AND ARE
USED FOR CROP PRODUCTION. RPTL 550(2)E
CHECK IN FAVOR OF: RONALD & JUDY DAWYDKO

Petition No. 202837 / 2002 - ASSESSOR - Cancel - \$109.79

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SBL No. 47.07-2-16.11/BA - TOWN OF NEWSTEAD

Acct. No. 112 - \$ 82.50 - County

Acct. No. 132 - \$ 27.29 - Town/SpecialDist/School

Charge to : TOWN OF NEWSTEAD

27.29

CANCEL - CLERICAL ERROR, THIS PARCEL IS A DUPLICATE PARCEL. PARCEL IS ALSO BEING TAXED UNDER SBL 47.07-2-16.11/D9 RPTL 550(2)F

Petition No. 202838 / 203 - ASSESSOR - Cancel - \$81.33

SBL No. 47.07-2-16.11/BA - TOWN OF NEWSTEAD

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 81.33 - Town/SpecialDist/School

Charge to : VILLAGE OF AKRON

81.33

CANCEL - CLERICAL ERROR, THIS PARCEL IS A DUPLICATE PARCEL. THIS PARCEL IS ALSO BEING TAXED UNDER SBL 47.07-2-16.11/D9. RPTL 550(2)F

Petition No. 202839 / 2002 - ASSESSOR - Cancel - \$40.46

SBL No. 47.07-2-16.11/R - TOWN OF NEWSTEAD

Acct. No. 112 - \$ 25.27 - County

Acct. No. 132 - \$ 15.19 - Town/SpecialDist/School

Charge to : TOWN OF NEWSTEAD

15.19

CANCEL - CLERICAL ERROR, THIS PARCEL IS A DUPLICATE PARCEL. THIS PARCEL IS ALSO BEING TAXED UNDER SBL 47.07-2-16.11W15. RPTL 550(2)F

Petition No. 202840 / 203 - ASSESSOR - Refund - \$45.29

SBL No. 47.07-2-16.11/R - TOWN OF NEWSTEAD

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 45.29 - Town/SpecialDist/School

Charge to : VILLAGE OF AKRON

45.29

CANCEL - CLERICAL ERROR, THIS PARCEL IS A DUPLICATE PARCEL. PARCEL IS ALSO BEING TAXED UNDER SBL 47.07-2-16.11/W15. RPTL 550(2)F

MEETING NO. 14
July 11, 2002

ERIE COUNTY LEGISLATURE

Petition No. 202841 / 203 - ASSESSOR - Cancel - \$392.65

SBL No. 336.14-1-2.2 - TOWN OF CONCORD

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 392.65 - Town/SpecialDist/School

Charge to : VILLAGE OF SPRINGVILLE

392.65

CANCEL - CLERICAL ERROR, THIS PARCEL IS ENTITLED TO A SENIOR EXEMPTION IN THE AMOUNT OF 32,450 (50%) THAT WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

Petition No. 202842 / 2002 - ASSESSOR - Cancel - \$ 290.40

SBL No. 151.46-4-6.1 - Village of Blasdell

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 290.40 - Town/Specialdist/School

Charge to: Village of Blasdell

CANCEL - CLERICAL ERROR, THIS PARCEL IS ENTITLED TO A SENIOR EXEMPTION IN THE AMOUNT OF 24,000 (50%) THAT WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

(5-0)

3. Item Page -2002 (Comm. 13E-6)

COMPTROLLER

RESOLUTION NO. 289-2002

BOND RESOLUTION DATED _____, 2002

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS IMPROVEMENTS TO THE CENTRAL LIBRARY TO IMPLEMENT ENERGY SAVING FACILITY IMPROVEMENT MEASURES, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,025,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$1,025,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF.

(Introduced) JUNE 14, 2002

(Adopted) _____, 2002

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Erie, New York (herein called "County"), is hereby authorized to construct various improvements to the Central Library to implement Energy Saving Facility Improvement Measures, including but not limited to (i) retrofitting of lighting, (ii) installation of variable speed drives on hot water pumps and cooling tower fan, (iii) replacement of supply and return fan motors with high efficiency motors, (iv) conversion of constant air volume systems to variable air volume systems and (v) upgrading of the Library's energy management system. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and to the financing thereof, is \$1,025,000, and said amount is hereby appropriated therefor. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2002 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The plan of financing includes the issuance of \$1,025,000 bonds of the County to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the County in the principal amount of \$1,025,000 are hereby authorized to be issued for the class of objects or purposes described in Section 1 hereof, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

Section 3. The period of probable usefulness of the class of objects or purposes for which said \$1,025,000 bonds herein authorized are to be issued, pursuant to Section 11.00 a. 13 of the Law, is ten (10) years.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Bond Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of said Local Finance Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, and relative to prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the

County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the

County Executive
(5-0)

4. Item Page -2002 **AS AMENDED**
COMPROLLER
(Comm. 13E-7)
RESOLUTION NO. 290 -2002

BOND RESOLUTION DATED _____, 2002

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE REPLACEMENT OF THE EXISTING CULVERT ON DICK ROAD IN THE TOWN OF CHEEKTOWAGA, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$302,500, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$302,500 BONDS OF THE COUNTY TO PAY THE COST THEREOF.

(Introduced) June 27, 2002

(Adopted) _____, 2002

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Erie, New York (herein called "County"), is hereby authorized to replace the existing culvert on Dick Road in the Town of Cheektowaga. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$302,500, and said amount is hereby appropriated therefor pursuant to the duly adopted Capital Budget of said County for fiscal year 2001. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2001 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The plan of financing includes the issuance of \$302,500 bonds of the County to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the County in the principal amount of \$302,500 are hereby authorized to be issued for the specific object or purpose described in Section 1 hereof, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

Section 3. The period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 10 of the Law, is twenty (20) years.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Bond Resolution, in the maximum amount of bonds herein authorized. This Resolution is a

declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of said Local Finance Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, and relative to prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the

County Executive.

(5-0)

5.	Item	Page	-2002	AS AMENDED (Comm. 13E-8)
	COMPTROLLER			
	RESOLUTION NO. <u>291</u> -2002			

BOND RESOLUTION DATED _____, 2002

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE COMO LAKE PARK LAKE RECONSTRUCTION, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$500,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF.

(Introduced) June 27, 2002

(Adopted) _____, 2002

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Erie, New York (herein called "County"), is hereby authorized to partially reconstruct the retaining walls located downstream of, and to dredge the

Como Lake Park lake. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$500,000, and said amount is hereby appropriated therefor pursuant to the duly adopted Capital Budget of said County for fiscal year 2002. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2002 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The plan of financing includes the issuance of \$500,000 bonds of the County to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the County in the principal amount of \$500,000 are hereby authorized to be issued for the specific object or purpose described in Section 1 hereof, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

Section 3. The period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 22 of the Law, is thirty (30) years.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Bond Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of said Local Finance Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond

anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, and relative to prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after

the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the

County Executive.

(5-0)

6.	Item	Page	-2002	AS AMENDED	
	COMPTROLLER			(Comm. 13E-9)	

RESOLUTION NO. 292 OF 2002

BOND RESOLUTION DATED _____, 2002

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE PARTIAL RECONSTRUCTION OF AND CONSTRUCTION OF AN ADDITION AND IMPROVEMENTS TO THE FIRE TRAINING ACADEMY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$1,350,000, APPROPRIATING \$800,000 THEREFOR IN ADDITION TO \$550,000 PREVIOUSLY APPROPRIATED THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$800,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF, IN ADDITION TO \$550,000 BONDS PREVIOUSLY AUTHORIZED THEREFOR.

(Introduced) June 27, 2002

(Adopted) _____, 2002

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Erie, New York (herein called "County") is hereby authorized to continue existing capital project for the Fire Academy, consisting of the partial

reconstruction and construction of an addition and improvements to the Fire Training Academy at 3359 Broadway in Cheektowaga, including an approximate 4,700 square foot addition, the installation of stadium seating and an additional classroom; the foregoing to include the original equipment, machinery, furnishings, apparatus, and all ancillary and related site and other work required in connection therewith. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$1,350,000, and \$800,000 is hereby appropriated therefor, in addition to the \$550,000 previously appropriated therefor. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2002 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The plan of financing includes the issuance of \$800,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, in addition to the \$550,000 bonds previously authorized therefor pursuant to Resolution No. 517-2001 adopted on November 8, 2001, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. Bonds of the County in the principal amount of \$800,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The building to be improved is, and the addition to be constructed thereto will be, of at least Class "B" construction as defined by Section 11.00 a. 11. (b) of the Law. Consequently, the period of probable usefulness applicable to the purpose for which the serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a.12 (a)(2) of the Law, is fifteen (15) years.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized

out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of said Local Finance Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, and relative to prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

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(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the

County Executive.
 (5-0)

7. Item Page -2002 (Comm. 13E-15)
COUNTY EXECUTIVE

WHEREAS, the Division of Budget, Management and Finance did receive requests from more than one of adjacent property owners or non adjacent owners to purchase parcels of County owned inventory, and

WHEREAS, the parcels were reviewed and approved for sale by the Advisory Review Committee of Erie County, and

WHEREAS, the Erie County Legislature approved them to be put to sale in a resolution adopted at the 10th Session of the Legislature held on May 9, 2002, (Reference: COMM. 9E-45), and

WHEREAS, in addition to the advertisement of the sale in the Buffalo Law Journal and the Buffalo News, all adjacent owners were sent a letter indicating the date, time and place of the sale in order to give all interested parties the opportunity to attend the sale and bid;

NOW, THEREFORE, BE IT RESOLVED, that the Erie County Legislature is requested to approve the sale of these parcels to the following persons who successfully bid on them at the sale on June 4, 2002.

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Grand Island, County of Erie and State of New York being part of Farmlot 85, Township 12, Range 9, Block N, Sublots 238 and 239 as filed under Map Cover 1033 and is further described on Erie County Tax Maps as Section, Block and Lot No. 23.180-2-5 (Second Street 100.00 x 125.00). Intending to convey all land acquired by Erie County as Serial No. 1343 in the County In Rem Tax Foreclosure Action No.

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144 to Nancy Bognar, 250 Dunlop Avenue, Tonawanda, New York 14150 for the sum of Two Thousand Two Hundred and 00/100 Dollars (\$ 2,200.00).

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie and State of New York being part of Farmlot 16, Township 9, Range 8, Sublot 464 as filed under Map Cover 416 and is further described on Erie County Tax Maps as Section, Block and Lot No. 159.670-2-33 (Woodlawn Avenue 30.00 x 110.00). Intending to convey all land acquired by Erie County as Serial No. 571 in the County In Rem Tax Foreclosure Action No. 137 to Ann and Dennis Coulter, S 4100 Willowdale Avenue, Blasdell, New York for the sum of Four Hundred and 00/100 Dollars (\$ 400.00).

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of West Seneca, County of Erie and State of New York being part of Farmlot 117, Township 10, Range 7, Block E, Sublot 27 as filed under Map Cover 1322 and is further described on Erie County Tax Maps as Section, Block and Lot No. 134.740-2-28 (Milton Avenue 25.00 x 90.00). Intending to convey all land acquired by Erie County as Serial No. 1449 in the County In Rem Tax Foreclosure Action No. 146 to Bernice and Joseph Kleinfelder, 76 Florence Avenue, West Seneca, New York 14224 for the sum of One Thousand One Hundred and 00/100 Dollars (\$1,100.00).

ALL THAT TRACT OF PARCEL OF LAND situate in the Town of West Seneca, County of Erie and State of New York being part of Farmlot 117, Township 10, Range 7, Block E, Sublot 28 as filed under Map Cover 1322 and is further described on Erie County Tax Maps as Section, Block and Lot No. 134.740-2-29 (Milton Avenue 25.00 x 90.00). Intending to convey all land acquired by Erie County as Serial No. 1450 in the County In Rem Tax Foreclosure Action No. 146 to Bernice and Joseph Kleinfelder, 76 Florence Avenue, West Seneca, New York 14224 for the sum of One Thousand One Hundred and 00/100 Dollars (\$1,100.00).

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of West Seneca, County of Erie and State of New York being part of Farmlot 117, Township 10, Range 7, Block E, Sublot 29 as filed under Map Cover 1322 and is further described on Erie County Tax Maps as Section, Block and Lot No. 134.740-2-30 (Milton Avenue 25.00 x 90.00). Intending to convey all land acquired by Erie County as Serial No. 315 in the County In Rem Tax Foreclosure Action No. 134 to Bernice and Joseph Kleinfelder, 76 Florence Avenue, West Seneca, New York 14224 for the sum of One Thousand One Hundred and 00/100 Dollars (\$1,100.00).

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of West Seneca, County of Erie and State of New York being part of Farmlot 117, Township 10, Range 7, Block E, Sublot 30 as filed under Map Cover 1322 and is further described on Erie County Tax Maps as Section, Block, and Lot No. 134.740-2-31 (Milton Avenue 25.00 x 90.00). Intending to convey all land acquired by Erie County as Serial No. 316 in the County In Rem Tax Foreclosure Action No. 134 to Bernice and Joseph Kleinfelder, 76 Florence Avenue, West Seneca, New York 14224 for the sum of One Thousand One Hundred and 00/100 Dollars (\$1,100.00).

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of West Seneca, County of Erie and State of New York being part of Farmlot 117, Township 10, Range 7, Block E, Sublot 31 as filed under Map Cover 1322 and is further described on Erie County Tax Maps as Section, Block and Lot No. 134.740-2-32 (Milton Avenue 25.00 x 90.00). Intending to convey all land acquired by Erie County as Serial No. 317 in the County In Rem Tax Foreclosure Action No. 134 to Bernice and Joseph Kleinfelder, 76 Florence Avenue, West Seneca, New York 14224 for the sum of One Thousand One Hundred and 00/100 Dollars (\$1,100.00).

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of West Seneca, County of Erie and State of New York being part of Farmlot 117, Township 10, Range 7, Block E, Sublot 32 as filed under Map Cover 1322 and is further described on Erie County Tax Maps as Section, Block and Lot No. 134.740-2-33 (Milton Avenue 25.00 x 90.00). Intending to convey all land acquired by Erie County as Serial No. 318 in the County In Rem Tax Foreclosure Action No. 134 to Bernice and Joseph Kleinfelder, 76 Florence Avenue, West Seneca, New York 14224 for the sum of One Thousand One Hundred and 00/100 Dollars (\$1,100.00),

RESOLVED, that the Erie County Executive is hereby authorized and directed to execute quit claim deed conveying the interest of the County of Erie in the above described properties to the aforesaid purchasers, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Director of Budget, Management and Finance, the Office of the County Comptroller, the County Attorney and the Finance Office.

(5-0)

8. Item PAGE -2002 (Intro. 13-9)

DeBENEDETTI, MAJORITY CAUCUS

WHEREAS, the Erie County Medical Center Healthcare Network (ECMC) is currently a county-owned and operated medical network which serves the eight county area of western New York; and

WHEREAS, ECMC provides innumerable services and unsurpassed treatment to citizens in the area; and

WHEREAS, the attributes of ECMC have been repeatedly extolled and unquestioned; and

WHEREAS, on February 28, 2002, the Erie County Legislature initiated a process by authorizing the drafting of a proposed Home Rule Message to the NYS Legislature seeking public benefit corporation status for ECMC; and

WHEREAS, Home Rule Messages to the NYS Legislature are a mechanism in which local governments may seek state authorization for activities which cannot be enacted by local law; and

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WHEREAS, the NYS Legislature has historically granted the wishes of local municipalities under the Home Rule Message structure as long as the request does not contravene NYS law; and

WHEREAS, countless amounts of letters, meetings, speeches, telephone calls and analysis have gone into this Home Rule Message process; and

WHEREAS, the ECMC Board of Managers, the Erie County Legislature, and the Erie County Executive have been desirous of this reconstitution of ECMC and have worked tirelessly through the process with leaders in Albany to achieve this goal; and

WHEREAS, the local legislative delegation to the NYS Senate, in consultation with the Erie County Legislature and the Erie County Executive, has introduced several bills (S.6943, S.7635) as Home Rule Messages to reconstitute ECMC as a public benefit corporation; and

WHEREAS, one of bills (S.6943) contains provisions which are in tune with the negotiations in the Home Rule Message process; and

WHEREAS, the local delegation to the NYS Assembly has introduced its own bill (A.11697) as a Home Rule Message in the NYS Assembly which mirrors one of the bills (S.7635) in the NYS Senate in certain ways, but which contains several provisions which are potentially disastrous for Erie County; and

WHEREAS, it appears that the Home Rule Message process has been altered to seemingly undermine the reconstitution of ECMC as a PBC; and

WHEREAS, the Erie County Legislature refuses to pass a Home Rule Message that differs from the normal Home Rule Message process, is contrary to the negotiations during the process or contains provisions, or which could seriously harm Erie County;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature feels that the reconstitution of ECMC as a PBC must go forward with haste; and be it further

RESOLVED, that the Erie County Legislature demands that members from the local delegations to the NYS Senate and NYS Assembly negotiate with the Erie County Executive and the Erie County Legislature to develop acceptable provisions for the Home Rule Message that are consistent with previous negotiations and are devoid of harm to Erie County; and be it further

RESOLVED, that such negotiations should be accomplished as soon as possible; and be it further;

RESOLVED, that certified copies of this resolution be forwarded to the delegations representing Western New York in the NYS Senate and NYS Assembly, County Executive

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Giambra, the ECMC Board of Managers, and the leadership of the unions representing employees at ECMC.

Fiscal Impact: To be Determined
(3-1) Legislator Swanick absent for vote. Legislator Peoples in the negative.

DALE W. LARSON
CHAIRMAN

MR. LARSON moved to separate #3, #4, #5, #6 & #8 and moved the approval of the balance of the report. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

MR. LARSON moved the approval of item #3. MR. GREENAN seconded.

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

AYES: DALE, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, PEOPLES,
SCHROEDER, CHASE, CUSACK, DeBENEDETTI, GREENAN, LARSON, McCARVILLE,
RANZENHOFER & WEINSTEIN.

CARRIED UNANIMOUSLY.

MR. LARSON moved the approval of item #4. MR. GREENAN seconded.

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

AYES: DALE, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, PEOPLES,
SCHROEDER, CHASE, CUSACK, DeBENEDETTI, GREENAN, LARSON, McCARVILLE,
RANZENHOFER & WEINSTEIN.

CARRIED UNANIMOUSLY.

MR. LARSON moved the approval of item #5. MR. GREENAN seconded.

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

AYES: DALE, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, PEOPLES,
SCHROEDER, CHASE, CUSACK, DeBENEDETTI, GREENAN, LARSON, McCARVILLE,
RANZENHOFER & WEINSTEIN.

CARRIED UNANIMOUSLY.

MR. LARSON moved the approval of item #6. MR. GREENAN seconded.

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

AYES: DALE, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, PEOPLES, SCHROEDER, CHASE, CUSACK, DeBENEDETTI, GREENAN, LARSON, McCARVILLE, RANZENHOFER & WEINSTEIN.

CARRIED UNANIMOUSLY.

MR. LARSON moved the approval of item #8. MR. GREENAN seconded.

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

AYES: DUSZA, HOLT, MARINELLI, CHASE, CUSACK, DeBENEDETTI, GREENAN, LARSON, McCARVILLE, RANZENHOFER & WEINSTEIN. NOES: DALE, FISHER, KUWIK, PEOPLES & SCHROEDER.

CARRIED. (WEIGHTED VOTE: 11.193 – 4.765)

Item 16 – MR. GREENAN presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 293

June 27, 2002

ENERGY & ENVIRONMENT
COMMITTEE
REPORT NO. 10

ALL MEMBERS PRESENT.

1. RESOLVED, that the following item is hereby received and filed.

	Item	Page	-2002	(Comm. 13E-30)
a.	COUNTY EXECUTIVE:	ECSD No. 4 – Engineering Service Agreements.		
	(5-0)			

	Item	Page	-2002	AS AMENDED
2.	COUNTY EXECUTIVE	(Comm. 1E-27)		

(A)

RESOLUTION NO. 294-2002

BOND RESOLUTION DATED _____, 2002

MEETING NO. 14
July 11, 2002

ERIE COUNTY LEGISLATURE

BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$1,500,000 BONDS OF THE COUNTY OF ERIE, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY SEWER DISTRICT NO. 3; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,500,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,500,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND PROVIDING FOR REIMBURSEMENT BY ERIE COUNTY SEWER DISTRICT NO. 3 TO SAID COUNTY.

(Introduced) June 27, 2002
 (Adopted) _____, 2002

WHEREAS, pursuant to proceedings had and taken in accordance with the provisions of Article 5A of the County Law and more particularly a resolution of this County Legislature dated _____, 2002, an increase and improvement of facilities for Sewer District No. 3 has been approved at a estimated maximum cost of \$1,500,000, and

WHEREAS, it is now desired to provide for the financing of said costs, NOW THEREFORE BE IT

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, as amended (the "Law"), and to the provisions of other laws applicable thereto, \$1,500,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of an increase and improvement of facilities for Erie County Sewer District No. 3, all as more fully described in the report and estimate of cost approved by the Board of Managers of said District on February 27, 2002 and filed with the County Legislature. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$1,500,000. The plan of financing includes the issuance of \$1,500,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds and notes, the said principal and interest to be reimbursed to the County by assessment against the benefitted areas in Erie County Sewer District No. 3.

Section 2. The period of probable usefulness for the specific objects or purposes for which said \$1,500,000 bonds herein authorized to be issued, within the limitations of Section 11.00 a. 4. of the Law, is forty (40) years.

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Section 3. Current funds are not required to be provided as a down payment prior to the issuance of the \$1,500,000 bonds authorized herein, or any bond anticipation notes issued in anticipation thereof, pursuant to Section 107.00 d. 3. of said Law.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

(5-0)

(B)

RESOLUTION NO. 295-2002

BOND RESOLUTION DATED _____, 2002

BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$3,000,000 BONDS OF THE COUNTY OF ERIE, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY SEWER DISTRICT NO. 2; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,000,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND PROVIDING FOR REIMBURSEMENT BY ERIE COUNTY SEWER DISTRICT NO. 2 TO SAID COUNTY.

(Introduced) June 27, 2002
(Adopted) _____, 2002

WHEREAS, pursuant to proceedings had and taken in accordance with the provisions of Article 5A of the County Law and more particularly a resolution of this County Legislature dated _____, 2002, an increase and improvement of facilities for Sewer District No. 2 has been approved at a estimated maximum cost of \$3,000,000, and

WHEREAS, it is now desired to provide for the financing of said costs, NOW THEREFORE BE IT

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, as amended (the "Law"), and to the provisions of other laws applicable thereto, \$3,000,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of an increase and improvement of facilities for Erie County Sewer District No. 2, all as more fully described in the report and estimate of cost approved by the Board of Managers of said District on February 14, 2002 and filed with the County Legislature. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$3,000,000. The plan of

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ERIE COUNTY LEGISLATURE

financing includes the issuance of \$3,000,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds and notes, the said principal and interest to be reimbursed to the County by assessment against the benefited areas in Erie County Sewer District No. 2.

Section 2. The period of probable usefulness for the specific objects or purposes for which said \$3,000,000 bonds herein authorized to be issued, within the limitations of Section 11.00 a. 4. of the Law, is forty (40) years.

Section 3. Current funds are not required to be provided as a down payment prior to the issuance of the \$3,000,000 bonds authorized herein, or any bond anticipation notes issued in anticipation thereof, pursuant to Section 107.00 d. 3. of said Law.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

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Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

(5-0)

3. Item Page -2002 **AS AMENDED**
(Comm. 12E-15)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following low bid for Bluffs Subtrunk Project, Contract No. 34EV, on June 20, 2002,

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract No. 34EV	Sicar, Inc 1128 Jamison Road Elma, New York 14059	\$371,108.00

and

WHEREAS, the aforementioned bidder has been recognized as successfully performing similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Bluffs Subtrunk Project, Contract No. 34EV, be awarded to the low bidder as follows:

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract No. 34EV	Sicar, Inc 1128 Jamison Road	\$371,108.00

Elma, New York 14059

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned low bidder subject to approval as to form by the County Attorney and certification of availability of funds from the Project Fund Balance or an authorized advance from the General Fund by the Comptroller's Office; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$371,108.00 from Sewer Capital, Erie County Sewer District No. 2, Fund No. 430, Project No. 533, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy to Nancy Naples, Erie County Comptroller's Office; Gregory Dudek, Assistant County Attorney, and Joseph Passafiume Director of Budget, Management and Finance.
 (5-0)

4. Item Page -2002 (Comm. 13E-16)

COUNTY EXECUTIVE

WHEREAS, Erie County Water Authority is requesting the County of Erie to grant to the Erie County Water Authority a right of way and permanent easement on the above County owned parcel of land at 201 Two Mile Creek Road in the City of Tonawanda, and

WHEREAS, the Erie County Water Authority is working with DiDonato Associates to install a new water main along Two Mile Creek Road in the City of Tonawanda, and

WHEREAS, the installation of this new water main is intended to connect the Erie County Water Authority water system to the City of Tonawanda storage tank at Veterans Memorial Park, it has been determined that the above property will have to be crossed to accomplish this goal, and

WHEREAS, it is necessary that this approval be granted to allow this Right of Way and Easement to be issued, and

WHEREAS, the Deputy Commissioner of Real Property Tax has determined that this Right of Way and Easement can be granted, and

WHEREAS, the Advisory Review Committee has reviewed and approved this proposal, and

WHEREAS, the parties of the first part, in consideration of other good and valuable consideration and One and 00/100 Dollars (\$1.00), lawful money, paid by the party of the second part, does hereby grant and release unto the party of the second part, its successors and assigns a permanent right of way and easement, which includes the perpetual and exclusive right to construct, maintain, inspect, protect, replace, repair and operate utilities on the subject property, and

WHEREAS, the Grantee, its successors and assigns, shall have the right of reasonable ingress and egress over the premises of the parties of the first part for all of the above purposes and any other purposes reasonably incidental thereto, including the right to clear and keep cleared all trees, roots and brush, and other obstructions located in and around the easement property, and

WHEREAS, the party of the first part reserves its right, title and interest in and to the property described above, provided that such use shall not interfere with or obstruct the party of the second part in its exercise of the rights and privileges herein granted. The party of the first part specifically covenants and agrees not to impound water, excavate, or construct buildings or structures of any type whatsoever on, over or under that portion of the lands and property covered by this easement without the written consent of the Grantee, which will not be unreasonably withheld, and

WHEREAS, the party of the first part hereby represents and warrants that it is the sole owner in fee simple of this property and that it has the lawful right and authority to grant the right of way and easement conveyed herein, and

WHEREAS, the party of the second part agrees to pay the reasonable amount of any actual damage to growing shrubs, bushes, landscaping or other structural improvements located outside and within the easement property and caused by their construction or maintenance activities,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized and directed to execute to the Erie County Water Authority in consideration of the sum of One and 00/100 Dollar (\$ 1.00) a Permanent Right of Way and Easement on the following:

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Tonawanda, County of Erie, State of New York, being part of Farmlot 90, Township 12, Range 8 under Map Cover 42 as filed in the Erie County Clerk's Office and more particularly described as being part of Tax Map 52.06, Block 2, Lot 1, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Office of the County Comptroller, the County Attorney and the Finance Department.

(5-0)

5. Item Page -2002 (Comm. 13E-24)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Parks, Recreation & Forestry is in need of renting an additional portable bathroom facility for the Elma Meadows Golf Course due to the acreage of the course and public demand, and

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ERIE COUNTY LEGISLATURE

WHEREAS, the Erie County Department of Parks, Recreation and Forestry is in need of renting additional water coolers for public use as we must provide sufficient drinking water to meet New York State health requirements at Emery Park.

NOW, THEREFORE, BE IT

RESOLVED, that within the budget of the Division of Parks the amount of \$2,300 be transferred to *Rental Charges*, account 110942640822, from *Other Expenses*, account 110942640826, and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the Department of Parks, Recreation and Forestry, the Office of the Comptroller, and the Division of Budget, Management and Finance.

(5-0)

6. Item Page -2002 (Comm. 13E-25)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Area Agency on Aging (AAA) grant for the period January 1, 2002 to December 31, 2002, administered by the Department of Senior Services (Senior Services), and for the County Golf Courses Sponsorship Improvements grant, administered by the Department of Parks and Recreation (Parks), and

WHEREAS, the two Departments have agreed upon the interdepartmental use of Senior Services' digital ID system for both the Senior Complimentary Card program and for the Parks County Golf Passes program, and

WHEREAS, Parks will reimburse Senior Services quarterly on a per card basis pursuant to established County interdepartmental billing procedures, and

WHEREAS, the County budgets for these grants are in need of revision, and

WHEREAS, additional County funds are not required.

NOW, THEREFORE, BE IT

RESOLVED, that the budget for the AAA grant, Project 649, be revised as follows:

APPROPRIATIONS	CURRENT	CHANGES	AMENDED
Account	<u>BUDGET</u>	<u>BUDGET</u>	<u>BUDGET</u>
Description			

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810	Office Supplies	\$8,250	\$2,250	\$10,500
883	Interdepartmental Billings	0	-\$8,250	-8,250
933	Lab & Tech Equipment	10,200	6,000	16,200
	TOTAL CHANGE		<u>\$0</u>	

and be it further

RESOLVED, that the budget for the Golf Courses Improvement grant, Project 555, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
APPROPRIATIONS				
Account	Description			
816	Maintenance Supplies	\$48,925	-\$8,250	\$40,675
882/6309	Interdepartmental Billing Expense	0	8,250	\$8,250
	TOTAL CHANGE		<u>\$0</u>	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Comptroller’s Office, the County Attorney, the Department of Parks, Recreation and Forestry and the Department of Senior Services.

(5-0)

7. Item Page -2002 (Comm. 13E-31)

COUNTY EXECUTIVE

WHEREAS, Erie County Sewer District No. 6 needs to replace the storm sewer under Burke Drive in the City of Lackawanna; and

WHEREAS, the City of Lackawanna has proposed rebuilding Burke Drive in 2002; and

WHEREAS, both the City and the Sewer District desire to consolidate their construction projects to alleviate inconvenience to the public, reduce costs and minimize coordination problems during construction.

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal agreement between the County, on behalf of Erie County Sewer District No. 6, and the City of Lackawanna for the purpose of combining the reconstruction of Burke Drive and rebuilding the storm sewer under Burke Drive into one construction contract is approved; and be it further

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RESOLVED, that the County Executive be, and hereby is, authorized to execute the agreement subject to approval as to form by the County Attorney, and content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Comptroller be authorized and directed to allocate \$75,000.00 from Sewer Capital Erie County Sewer District No. 6 Fund No. 430, Project No. 914; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of the Resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, and one (1) certified copy each to Nancy Naples, Erie County Comptroller, Gregory Dudek, Assistant County Attorney and Joseph Passafiume, Director of Budget and Management.
 (5-0)

8. Item Page -2002 (Comm. 13E-32)

COUNTY EXECUTIVE

WHEREAS, on May 18, 2000, the New York State Department of Environmental Conservation (NYSDEC) awarded the Department of Environment and Planning (DEP) a grant to establish the Erie County Solid Waste Reduction and Recycling Project; and

WHEREAS, through Legislative resolution (Comm. 15E-15) dated July 13, 2000, the DEP accepted the State Grant-in-Aid to develop the Project; and

WHEREAS, through Legislative resolution (Comm. 25E-23) dated November 29, 2001, a revised budget was established for the Project; and

WHEREAS, the Great Lakes Basin Program (GLBP) has provided \$18,000 to the DEP to assist Erie County municipalities to meet the public education/participation requirements of recently enacted U. S. Environmental Protection Agency Phase II Storm Water Regulations; and

WHEREAS, the Northeast States for Coordinated Air Use Management (NESCAUM) has provided \$7,000 in funding to the DEP to coordinate Buffalo Public School participation in Project AIR.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is hereby authorized to execute the necessary agreements to accept a grant of \$18,000 from GLBP to assist Erie County municipalities to meet the public education/participation requirements of recently enacted U. S. Environmental Protection Agency Phase II Storm Water Regulations, and be it further

RESOLVED, that the County Executive is hereby authorized to execute the necessary agreements to accept a grant of \$7,000 from NESCAUM to coordinate Buffalo Public School participation in Project AIR, and be it further

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RESOLVED, that the existing grant budget for the Solid Waste Reduction and Recycling Project (SFG #394) is hereby revised to include the new grant resources as follows:

REVENUES:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
553	State Aid	\$160,530	0	\$160,530
686-6201	Interfund Revenue-Community Development	25,285	0	25,285
686-6200	Interfund Revenue-Environment and Planning	178,500	0	178,500
641	Federal Aid	33,200	0	33,200
360	Other Local Source	20,000	0	20,000
GLBP	Grant Funding	0	\$18,000	18,000
NESCAUM	Grant Funding	0	7,000	7,000
Total Revenues		\$417,515	\$25,000	\$442,515

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
800	Salaries	\$149,047.00	\$9,850	\$158,897.00
805	Fringe Benefits	39,385.00	2,350	41,735.00
810	Office Supplies	0	1,800	1,800.00
824	Local Travel and Mileage	600.00	0	600.00
825	Out of Area Travel	1,700.00	0	1,700.00
826	Other	20,973.84	9,500	30,473.84
830	Contractual Services	205,809.16	1,500	207,309.16
Total Appropriations		\$417,515.00	\$25,000	\$442,515.00

and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; the Commissioner of Personnel; and the County Attorney.

(5-0)

9. Item Page -2002 (Comm. 13E-33)
COUNTY EXECUTIVE

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ERIE COUNTY LEGISLATURE

WHEREAS, the County of Erie has secured the services of Parsons Engineering Science, Inc. to analyze peak wet weather flows and assess the sanitary sewer system in part of Erie County Sewer District No.1; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all engineering services are now completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the A/E Agreement dated December 16, 1999 with Parsons Engineering Science, Inc. in the amount of \$305,904.25.

NOW, THEREFORE, BE IT

RESOLVED, that the A/E Agreement dated December 16, 1999 between the County of Erie/Erie County Sewer District No.1 and Parsons Engineering Science, Inc. be formally closed-out in the final amount of \$305,904.25; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to close-out the contract encumbrances in Erie Sewer District No.1 Capital Account, Fund No.430, Project No.694 relating to the A/E Agreement dated December 16, 1999, with Parsons Engineering Science, Inc. and return any unused contract encumbrances to unallocated; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, and one (1) certified copy to each James Liddle, Erie County Comptroller's Office and Gregory Dudek, Assistant County Attorney.

(5-0)

10. Item Page -2002 (Comm. 13E-34)

COUNTY EXECUTIVE

WHEREAS, Erie County Sewer District No. 2 developed a plan to provide sewer service to the Town of Evans in the 1960's; and

WHEREAS, Erie County Sewer District No. 2 had previously constructed portions of the sewers planned to service the Town of Evans; and

WHEREAS, Erie County Sewer District No. 2 had previously built a substantial portion of the sewer system through Bennett Beach Park; and

WHEREAS, Erie County Sewer District No. 2 has requested to reconstruct a portion of their sewer system in Bennett Beach Park; and

WHEREAS, it is proposed to build the new pumping station within the old right-of-way of the Old Lake Shore Road which has never been officially abandoned by this Honorable Body; and

WHEREAS, the County's Advisory Review Committee (ARC), and the Departments of Environment and Planning, and Parks and Recreation have approved the project; and

WHEREAS, the project has been reviewed under the Erie County Parks Protection Law and found to be in compliance with it.

NOW, THEREFORE, BE IT

RESOLVED, that a Revocable Permit to construct a sewage pumping station in Bennett Beach Park for Erie County Sewer District No. 2 is hereby approved; and be it further

RESOLVED, that a Temporary Work Permit also be approved to construct a sewage pumping station, subject to the approval of the construction design plans by the Commissioners of Parks, Recreation and Forestry and Environment and Planning; and be it further

RESOLVED, that the County Executive be, and hereby is authorized to execute said amended Revocable Permit and Temporary Work Permit, subject to approval as to form by the County Attorney's Office; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning, Lawrence Jasinski, Commissioner, Parks, Recreation and Forestry, Gregory J. Dudek, Assistant County Attorney, Nancy Naples Erie County Comptroller, and Joseph Passafiume, Director, Budget, Management and Finance.

(5-0)

11. Item Page -2002 (Comm. 13E-41)

COUNTY EXECUTIVE

WHEREAS, in Comm. No. 12E-20 [c], dated July 5, 2001, authorization was received to enter into contracts with two Performance Contracting firms, and

WHEREAS, the Commissioner of Public Works has assigned several of its facilities to each of the contracted firms, including assigning the Central Library to Seimens Building Technologies, and

WHEREAS, the first step in a Performance Contract is to perform a preliminary energy audit, and

WHEREAS, reasonable Energy Conservation Measures were found during the preliminary energy audit and a construction program is proposed, and

WHEREAS, the cost of the construction to implement the Energy Conservation Measures is estimated at approximately \$1,025,000 with energy savings estimated at an average of almost

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\$125,000 per year over the ten-year program and other associated savings and incentives total nearly \$50,000 per year over the program period, and

WHEREAS, the Commissioner of the Department of Public Works recommends acceptance of the program and the construction be implemented,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works is authorized to issue a Supplemental Agreement to the County's Performance Contractor, Siemens Building Technologies, to perform the Energy Conservation Measures Program derived from their preliminary energy audit work, and be it further,

RESOLVED, that this authorization is contingent upon funds being made available, and be it further,

RESOLVED, that two certified copies of this resolution shall be forwarded to the Commissioner of Public Works, the Director of Budget Management & Finance and the Office of the Comptroller.

(5-0)

JOHN W. GREENAN
CHAIRMAN

MR. GREENAN moved to separate items #2a & 2b and moved the approval of the balance of the report. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

MR. GREENAN moved the approval of item 2a. MS. CHASE seconded.

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

AYES: DALE, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, PEOPLES, SCHROEDER, CHASE, CUSACK, DeBENEDETTI, GREENAN, LARSON, McCARVILLE, RANZENHOFER & WEINSTEIN.

CARRIED UNANIMOUSLY.

MR. GREENAN moved the approval of item 2b. MS. CHASE seconded.

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

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AYES: DALE, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, PEOPLES, SCHROEDER, CHASE, CUSACK, DeBENEDETTI, GREENAN, LARSON, McCARVILLE, RANZENHOFER & WEINSTEIN.

CARRIED UNANIMOUSLY.

Item 17 – MS. CHASE presented the following resolution and moved for immediate consideration. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 296

June 27, 2002

PUBLIC SAFETY
 COMMITTEE
 REPORT NO. 7

ALL MEMBERS PRESENT.

AS AMENDED

1. Item Page -2002 (Intro. 4-6)
FISHER, PEOPLES, SWANICK, DUSZA & HOLT

WHEREAS, the victims of domestic violence are often the subject of violent acts over an extended period of time; and

WHEREAS, the current N.Y. Penal Law definitions of "physical injury" and "serious physical injury" have hampered law enforcement and prosecutors from obtaining convictions for assault in cases where the injuries would seem self-evident; and

WHEREAS, convictions for assault would at least carry misdemeanor or felony penalties; and

WHEREAS, these inadequate definitions have forced law enforcement and prosecutors to charge abusers with a lesser offense like harassment which is only a violation; and

WHEREAS, a number of convictions for harassment are not citable in court if future domestic violence occurs; and

WHEREAS, there is legislation currently pending in the NYS Legislature (A.4403/S.95) which would redefine "physical injury" to mean the impairment of physical condition or physical pain, illness or the presence of a palpable contusion, laceration, scalding, or wound; and

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WHEREAS, physical injury under this new definition could be established by victim testimony only and evidence of physical pain could be established in light of common experience; and

WHEREAS, the above referenced legislation also redefines "serious physical injury" to mean physical injury which creates a risk of death or which causes death or impairment of health or loss or impairment of the function of any bodily organ or member, or the loss or impairment of any mental faculty, or extreme physical pain; and

WHEREAS, evidence of a serious physical injury could be established by proof that the victim required surgery, or medical treatment, or physical rehabilitation, or was admitted to a hospital as a patient for medical treatment; and

WHEREAS, these changes in the definitions of "physical injury" or "serious physical injury" would better allow law enforcement to charge abusers with appropriate crimes and seek tougher penalties; and

WHEREAS, this legislation is supported by the New York State District Attorney's Association; and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby renews its commitment to the reduction of instances of domestic violence in Erie County; and be it further

RESOLVED, that certified copies be sent to governor George Pataki, to the local delegations to the New York State Assembly and the New York State Senate, to the Executive director of the Erie County Commission on the Status of Women Clotilde P. Dedecker, and to the Erie County Social Services Commissioner Deborah Merrifield.

Fiscal Impact: None for Resolution.
 (5-0)

2. Item Page -2002 (Comm. 13E-11)
SHERIFF

WHEREAS, Sheriff's Patrol Vehicle #11 was involved in a traffic accident on October 7, 2001 resulting in a total loss of the vehicle and police equipment it contained, and,

WHEREAS, the M & W Agency of Angola has made reimbursement in the amount of \$28,142.99 to the County of Erie for this loss.

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Sheriff's Office is hereby authorized to accept these funds and utilize them to replace the vehicle and equipment it lost, and be it further,

RESOLVED, that the following budgetary transactions are hereby authorized:

ERIE COUNTY SHERIFF'S OFFICE – DEPARTMENT 150

REVENUE

SFG ACCOUNT

521	Other Unclassified Revenue	\$28,143
	TOTAL REVENUE	<u>\$28,143</u>

APPROPRIATIONS

SFG ACCOUNT

930	Motor Vehicles	<u>\$28,143</u>
	TOTAL APPROPRIATIONS	<u>\$28,143</u>

and be it further,

RESOLVED, that certified copies be forwarded to the Division of Budget, Management and Finance and the Comptroller's Office and the Office of the Sheriff for implementation.
 (5-0)

3. Item Page -2002 (Comm. 13E-12)
SHERIFF

WHEREAS, the U.S. Department of Justice has approved the extension of the COPS Domestic Violence Test Site Grant until August 31, 2002 and,

WHEREAS, a transfer of funds is needed to meet the financial obligations of this grant until the end of the contract period.

NOW, THEREFORE, BE IT

RESOLVED, that COPS Domestic Violence Test Site Grant period be extended to August 31, 2002

and be it further,

RESOLVED, that the following budget amendments are hereby authorized:

COPS DOMESTIC VIOLENCE TEST SITE – GRANT #522

<u>APPROPRIATION</u>	<u>Decrease</u>
<u>SFG Account</u>	
830 0735 Contractual Services – Haven House	<u>\$8,000</u>
Total Appropriation Decrease	8,000

<u>APPROPRIATION</u>	
<u>SFG Account</u>	
830 0119 Contractual Services – Crisis Services	<u>\$8,000</u>
Total Appropriation Increase	8,000
Net Appropriation	<u>\$ 0</u>

and be it further,

RESOLVED, that certified copies be forwarded to the Division of Budget, Management and Finance, the Comptroller’s Office and the Office of the Sheriff for Implementation.
 (5-0)

4. Item Page -2002 (Comm. 13E-18)

COUNTY EXECUTIVE

WHEREAS, Erie County has been awarded a grant from the New York State Governor's Traffic Safety Committee for Drunken Driving enforcement, and

WHEREAS, Erie County has been awarded additional funds for operation of sobriety checkpoints called Police Lifesaver Patrols, and

WHEREAS, the County budget must be amended to include the approved State grant award, and

WHEREAS, the City of Tonawanda has agreed to administer payments to the various police agencies that participate in the Lifesaver Patrol Operations,

NOW, THEREFORE, BE IT

RESOLVED, that the following transactions are hereby authorized in order that the 2002 STOP-DWI budget will include the State grant award:

ERIE COUNTY STOP-DWI
Project #683
1/1/02 -12/31/02

<u>Appropriations</u>	<u>Increase</u>
Acct. 810 Office Supplies	\$ 800
Acct. 826 Other Expense	3,050
Acct. 830 Contractual Services City Of Tonawanda, PLP	<u>28,314</u>
Total Appropriations	\$ 32,164
<u>Revenue</u>	
Acct. 592 State Aid Dept. of Transportation	<u>\$ 32,164</u>
Total Revenue	\$ 32,164

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contract with the Governor's Traffic Safety Committee (GTSC) for the purpose of receiving the grant, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contract with the City of Tonawanda to administer payments to participating police agencies, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the County Executive's Office, the Office of the Comptroller and the Erie County STOP-DWI Office.

(5-0)

5. Item Page -2002 (Comm. 13E-21)

COUNTY EXECUTIVE

WHEREAS, the Erie County Probation Department is an agency involved in Community Corrections, and

WHEREAS, the Erie County Probation Department believes that Community Corrections should take place within the various communities within Erie County that it serves, and

WHEREAS, in order to effect positive behavioral change and reduce the rates of recidivism, it is essential that the Erie County Probation Department partner with various service providers and community resources, and

WHEREAS, Child and Family Services, a long established counseling agency, has agreed to help facilitate the presence of the Erie County Probation Department within its service community by providing office space at no cost to the County, and

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WHEREAS, the office space would be located at 2470 Walden Avenue, Cheektowaga, New York, 14225, and

WHEREAS, the location would provide the Erie County Probation Department with a unique opportunity to service their client population in that area within their own community without imposing additional financial burdens (transportation, parking, etc.), and

WHEREAS, The Erie County Probation Department's presence at 2470 Walden Avenue, Cheektowaga, New York will not only strengthen the counseling mandates as imposed by the various courts but will enhance visibility of the Erie County Probation Department within the respective community, and

WHEREAS, without this approach, the Erie County Probation Department will be forced to continue its "fortress" style supervision from its downtown location with very little community involvement.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Probation Department be allowed to enter into a "hold harmless" contractual agreement with Child and Family Services for the purposes of establishing a satellite office of Erie County Probation Department at said address, and be it further

RESOLVED, that said contractual relationship be continued on a month to month basis with either party having the right to terminate this lease upon thirty (30) days written notice to the non-terminating party, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Comptroller's Office, the Erie County Probation Department and the Department of Law.

(5-0)

6. Item Page -2002 (Comm. 13E-29)

COUNTY EXECUTIVE

WHEREAS, the funds have been awarded from the Federal Emergency Management Agency (FEMA) through the New York State Emergency Management Office (SEMO), and

WHEREAS, the funds awarded for the Third Terrorism Consequence Grant will be used to purchase needed supplies, hire a student intern to update the Domestic Preparedness Annex and the emergency resource lists, and

WHEREAS, the funds will also be utilized to retain a current full time Health Department employee on a fee for service basis, to develop a Medical Pharmaceutical Stockpile Addendum to the Comprehensive Emergency Management Plan (CEMP),

NOW, THEREFORE BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Department of Emergency Services, is hereby authorized to revise the third Terrorism Consequence Grant with the \$11,000.00 in funding awarded from FEMA through SEMO, and be it further

RESOLVED, that the following transactions are authorized for the purchase of supplies, to hire a student intern to update the Domestic Preparedness Annex and the Emergency Resource lists, and retain a current full-time Health Department employee on a fee for service basis, to develop a Medical Pharmaceutical Stockpile Addendum.

Department of Emergency Services
 Third Terrorism Consequence Grant

Revenue

SFG 684	Federal Revenue - Other	\$11000.
	Total Revenue	\$11000.

Appropriations

SFG810	Office Supplies	\$ 2000.
SFG821 Sub 119	Dues and Fees - Health	\$ 5000.
SFG826	Other Expenditures	\$ 1000.
SFG830	Contractual	<u>\$ 3000.</u>
	Total Appropriations	\$11000.

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Office of the Comptroller, the Department of Law, the Department of Health and the Department of Emergency Services.

(5-0)

AS AMENDED

7. Item Page -2002 (Comm. 13E-43)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids on June 7, 2002, for the Erie County Fire Training Academy, Addition & Alterations, and

WHEREAS, the Architect and the Department of Public Works are recommending award to the lowest responsible bidders,

NOW, THEREFORE, BE IT,

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RESOLVED, that the County Executive be authorized to enter into the following contracts for the Erie County Fire Training Academy, Addition and Alterations, as follows:

GENERAL CONSTRUCTION WORK

The Hadala Corp.

Base Bid	\$647,000	
Alternate Bid G1	\$ 15,500	
Alternate Bid G2	\$ 17,300	
Alternate Bid G4	\$ 15,200	
Alternate Bid G5	\$ 35,000	
Alternate Bid G7	\$ 1,400	
Total		\$ 731,400

ELECTRICAL WORK

O'Connell Electric Co.

Base Bid	\$129,950	
Alternate Bid E1	\$ 3,990	
Alternate Bid E2	\$ 9,348	
Alternate Bid E3	\$ 10,192	
Alternate Bid E4	\$ 3,316	
Alternate Bid E5	\$ 29,400	
Total		\$ 186,196

MECHANICAL WORK

Northeast Mechanical, Inc.

Base Bid	\$ 63,000	
Alternate Bid H1	\$ 5,400	
Alternate Bid H2	\$ 1,400	
Alternate Bid H3	\$ 6,100	
Alternate Bid H4	\$ 1,900	
Total		\$ 77,800

PLUMBING WORK

H&M Plumbing & Mechanical Contracting Co.

Base Bid	\$ 31,580	
Alternate Bid P1	\$ 12,917	
Alternate Bid P4	\$ 28,488	
Total		\$ 72,985

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FIRE PROTECTION WORK

Advance Safety Systems, Inc,

Base Bid	\$ 21,565	
Alternate Bid FP1	\$ 997	
Alternate Bid FP2	\$ 498	
Alternate Bid FP3	\$ 498	
Alternate Bid FP4	\$ 2,345	
Alternate Bid FP5	<u>\$ 10,622</u>	
Total		\$ 36,525

AUDIO VISUAL WORK

Weydman Electric, Inc.

Base Bid	\$ 85,000	
Alternate Bid AV-1	\$ 10,900	
Alternate Bid AV-2	<u>\$ 10,900</u>	
Total		<u>\$ 106,800</u>

Total of all contracts: \$1,211,706

and be it further,

RESOLVED, that the sum of \$120,000 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the amount of the contingency, and be it further,

RESOLVED, that deduct change orders will result in funds being returned to the contingency account, and be it further,

RESOLVED, that additional Architectural/Engineering design fees, including full-time site construction inspectors and reimbursables, be increased in an amount not to exceed \$95,000, and be it further,

RESOLVED, that commissioning fees for energy evaluation and compliance be allocated in the amount of \$22,000, and be it further,

RESOLVED, that the sum of \$20,000 be allocated for DPW overhead and Project Engineer salaries, and be it further,

RESOLVED, that all these authorizations are contingency upon the funds being made available, and be it further,

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RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the following accounts:

---	FTA Addition, Project 260, Fund 410	\$1,348,706
---	Partial Reconstruction of Various County Buildings, Project 293, Fund 410	\$ 60,000
---	Partial Reconstruction of Exterior Building Rehabilitation, Project 290, Fund 410	<u>\$ 60,000</u>
		\$1,468,706

and be it further,

RESOLVED, that two copies of this resolution be sent to the department of Public Works, Office of the Commissioner; one copy of the division of Budget Management & Finance; one copy to the Office of the Comptroller; and one copy to the Department of Emergency Services.

(5-0)

JEANNE Z. CHASE
CHAIRPERSON

MS. CHASE moved to separate item #1 and moved the approval of the balance of the report. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

MS. CHASE moved to amend item #1. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

ADD the following Co-Sponsors to correct error:

LEGISLATORS CHASE AND McCARVILLE

MS. CHASE moved to amend the item to include ET AL Sponsorship. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 18 – MR. WEINSTEIN presented the following resolution and moved for immediate consideration. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 297

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June 27, 2002

HUMAN SERVICES
 COMMITTEE
 REPORT NO. 9

ALL MEMBERS PRESENT EXCEPT LEGISLATOR HOLT.

1. Item Page -2002 (Comm. 11E-28)
COUNTY EXECUTIVE

WHEREAS, one of the primary missions of the Health Department is to meet the challenges of serving the uninsured, under insured and under served residents of the County, and

WHEREAS, the Erie County Health Department utilizes a sliding fee schedule based on the patient's ability to pay, and

WHEREAS, the Erie County Health Department is in the process of expanding the provision of clinical dental services through a partnership with the Erie County Medical Center, and

WHEREAS, this new fee schedule will make the fees charged at the Erie County Health Department dental clinics consistent with those charged at the Erie County Medical Center, and

WHEREAS, this new fee schedule is necessary to meet the coding requirements the of Health Insurance Portability and Accountability Act (HIPAA).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby adopts the attached Dental Fee Schedule which will be implemented by the Erie County Department of Health on July 1, 2002, and be it further

RESOLVED, that this fee schedule is based on the poverty guidelines established by the Federal government and will adjust with all future changes to these Federal guidelines, and be it further

RESOLVED, this fee schedule also includes any and all assessments through the New York State Department of Health's Bad Debt & Charity Program, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Health, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

Erie County Dental Health Fee Schedule

FAMILY SIZE	FREE	50%		75%		100%		
	UP TO	FROM	TO	FROM	TO	Over		
ONE	16,391	16,392	-	19,935	19,936	-	22,150	22,150
TWO	22,089	22,090	-	26,865	26,866	-	29,850	29,850
THREE	27,787	27,788	-	33,795	33,796	-	37,550	37,550
FOUR	33,485	33,486	-	40,725	40,726	-	45,250	45,250
FIVE	39,183	39,184	-	47,655	47,656	-	52,950	52,950
SIX	44,881	44,882	-	54,585	54,586	-	60,650	60,650
SEVEN	50,579	50,580	-	61,515	61,516	-	68,350	68,350
EIGHT	56,277	56,278	-	68,445	68,446	-	76,050	76,050
NINE	61,975	61,976	-	75,375	75,376	-	83,750	83,750
TEN	67,673	67,674	-	82,305	82,306	-	91,450	91,450

D0150	Comprehensive oral evaluation	FREE	\$ 22.50	\$ 33.75	\$ 45.00
D0120	Periodic oral evaluation	FREE	\$ 13.00	\$ 19.50	\$ 26.00
D0140	Limited oral eval-problem focused (emerg)	FREE	\$ 20.00	\$ 30.00	\$ 40.00
D0160	Detailed/extensive oral eval-probl focused, by report	FREE	\$ 27.50	\$ 41.25	\$ 55.00
D0170	Re-eval -ltd, problem-focused	FREE	\$ 15.00	\$ 22.50	\$ 30.00
D0210	Intraoral complete series radiogr	FREE	\$ 31.50	\$ 47.25	\$ 63.00
D0220	Intraoral periapical-1st film	FREE	\$ 5.00	\$ 7.50	\$ 10.00
D0230	Intraoral periapical film-ea additional	FREE	\$ 4.00	\$ 6.00	\$ 8.00
D0240	Intraoral occlusal film	FREE	\$ 12.00	\$ 18.00	\$ 24.00
D0250	Extroral radiogr-1st film	FREE	\$ 17.00	\$ 25.50	\$ 34.00
D0260	Extraoral ea add film	FREE	\$ 14.00	\$ 21.00	\$ 28.00
D0270	Bitewing-single film	FREE	\$ 5.00	\$ 7.50	\$ 10.00
D0272	Bitewings-2 films	FREE	\$ 10.00	\$ 15.00	\$ 20.00
D0274	Bitewings-4 films	FREE	\$ 15.00	\$ 22.50	\$ 30.00
D0330	Panoramic film	FREE	\$ 32.50	\$ 48.75	\$ 65.00
D0350	Oral/facial images (intraoral and extraoral)	FREE	\$ 10.00	\$ 15.00	\$ 20.00
D0470	Diagnostic casts	FREE	\$ 25.00	\$ 37.50	\$ 50.00
D1110	Prophylaxis-adult	FREE	\$ 27.50	\$ 41.25	\$ 55.00
D1120	Prophylaxis-child	FREE	\$ 17.50	\$ 26.25	\$ 35.00
D1201	Topical application of fluoride (incl prophy)-child	FREE	\$ 25.00	\$ 37.50	\$ 50.00
D1203	Topical applic. of fluoride (prophy not incl)-child	FREE	\$ 9.00	\$ 13.50	\$ 18.00
D1204	Topical application of fluoride (prophy not incl)-adult	FREE	\$ 12.00	\$ 18.00	\$ 24.00

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D1205	Topical applic of fluoride (incl prophyl)-adult	FREE	\$ 32.50	\$ 48.75	\$ 65.00
D1310	Nutritional counseling for control of dental disease	FREE	\$ 10.00	\$ 15.00	\$ 20.00
D1320	Tobacco counseling for control and prev of oral disease	FREE	\$ 10.00	\$ 15.00	\$ 20.00
D1330	Oral hygiene instructions	FREE	\$ 7.50	\$ 11.25	\$ 15.00
D1351	Sealant per tooth	FREE	\$ 12.50	\$ 18.75	\$ 25.00
D1510	Space maintainer-unilat fixed	FREE	\$ 72.50	\$ 108.75	\$ 145.00
D1515	Space maintainer- bilat fixed	FREE	\$ 112.50	\$ 168.75	\$ 225.00
D1520	Space maintainer-removable-unilateral	FREE	\$ 65.00	\$ 97.50	\$ 130.00
D1525	Space maintainer-bilat remov	FREE	\$ 100.00	\$ 150.00	\$ 200.00
D1550	Recementation of space maintainer	FREE	\$ 12.50	\$ 18.75	\$ 25.00
D2110	Amalgam - 1 surf primary	FREE	\$ 22.50	\$ 33.75	\$ 45.00
D2120	Amalgam - 2 surf primary	FREE	\$ 27.50	\$ 41.25	\$ 55.00
D2130	Amalgam - 3 surf primary	FREE	\$ 35.00	\$ 52.50	\$ 70.00
D2131	Amalgam - 4 or more surf prim	FREE	\$ 40.00	\$ 60.00	\$ 80.00
D2140	Amalgam - 1 surf perm	FREE	\$ 27.50	\$ 41.25	\$ 55.00
D2150	Amalgam - 2 surf perm	FREE	\$ 35.00	\$ 52.50	\$ 70.00
D2160	Amalgam - 3 surf perm	FREE	\$ 42.50	\$ 63.75	\$ 85.00
D2161	Amalgam - 4 or more surf perm	FREE	\$ 50.00	\$ 75.00	\$ 100.00
D2330	Resin-1 surf anterior	FREE	\$ 32.50	\$ 48.75	\$ 65.00
D2331	Resin-2 surf anterior	FREE	\$ 45.00	\$ 67.50	\$ 90.00
D2332	Resin-3 surf anterior	FREE	\$ 52.50	\$ 78.75	\$ 105.00
D2335	Resin-4+ surf or involving incisal angle (anterior)	FREE	\$ 62.50	\$ 93.75	\$ 125.00
D2336	Resin-based composite crown, anterior-primary	FREE	\$ 60.00	\$ 90.00	\$ 120.00
D2337	Resin-based composite crown, anterior-permanent	FREE	\$ 72.50	\$ 108.75	\$ 145.00
D2380	Resin- 1 surf, posterior, primary	FREE	\$ 28.50	\$ 42.75	\$ 57.00
D2381	Resin- 2 surfs, posterior, primary	FREE	\$ 34.50	\$ 51.75	\$ 69.00
D2382	Resin-3 or more surf, posterior, primary	FREE	\$ 44.00	\$ 66.00	\$ 88.00
D2385	Resin-1 surf, posterior, perm	FREE	\$ 39.00	\$ 58.50	\$ 78.00
D2386	Resin-2 surf, posterior, perm	FREE	\$ 47.00	\$ 70.50	\$ 94.00
D2387	Resin- 3 surf, posterior, perm	FREE	\$ 53.50	\$ 80.25	\$ 107.00
D2388	Resin-4 or more surfs, posterior, perm	FREE	\$ 59.00	\$ 88.50	\$ 118.00
D2510	Inlay, metallic, 1 surf	FREE	\$ 118.50	\$ 177.75	\$ 237.00
D2520	Inlay, metallic, 2 surfs	FREE	\$ 144.50	\$ 216.75	\$ 289.00
D2530	Inlay, metallic, 3 or more surfs	FREE	\$ 161.00	\$ 241.50	\$ 322.00
D2542	Onlay, metallic, 2 surfs	FREE	\$ 159.50	\$ 239.25	\$ 319.00
D2543	Onlay, metallic, 3 surfs	FREE	\$ 182.50	\$ 273.75	\$ 365.00
D2544	Onlay, metallic, 4 or more surfs	FREE	\$ 202.50	\$ 303.75	\$ 405.00
D2610	Inlay, porcelain/ceramic-1 surf	FREE	\$ 122.50	\$ 183.75	\$ 245.00
D2620	Inlay, porcelain/ceramic- 2 surfs	FREE	\$ 144.00	\$ 216.00	\$ 288.00
D2630	Inlay, porcelain/ceramic-3 or more surfs	FREE	\$ 167.50	\$ 251.25	\$ 335.00

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D2642	Onlay, porcelain/ceramic-2 surfs	FREE	\$ 142.50	\$ 213.75	\$ 285.00
D2643	Onlay, porcelain/ceramic-3 surfs	FREE	\$ 160.00	\$ 240.00	\$ 320.00
D2644	Onlay, porcelain/ceramic-4 or more surfs	FREE	\$ 177.50	\$ 266.25	\$ 355.00
D2650	Inlay, composite/resin-1 surf (lab process)	FREE	\$ 135.00	\$ 202.50	\$ 270.00
D2651	Inlay, composite/resin-2 surfs (lab process)	FREE	\$ 197.50	\$ 296.25	\$ 395.00
D2652	Inlay, composite/resin-3 or more surfs (lab process)	FREE	\$ 172.50	\$ 258.75	\$ 345.00
D2662	Onlay, composite/resin-2 surfs (lab process)	FREE	\$ 160.00	\$ 240.00	\$ 320.00
D2663	Onlay, composite/resin-3 surfs (lab process)	FREE	\$ 177.50	\$ 266.25	\$ 355.00
D2664	Onlay, composite/resin-4 or more surfs (lab process)	FREE	\$ 190.00	\$ 285.00	\$ 380.00
D2710	Crown-resin (lab)	FREE	\$ 125.00	\$ 187.50	\$ 250.00
D2740	Crown-porcelain/ceramic substrate	FREE	\$ 300.00	\$ 450.00	\$ 600.00
D2750	Crown-porcelain fused to high noble metal	FREE	\$ 300.00	\$ 450.00	\$ 600.00
D2752	Crown-porcelain fused to noble metal	FREE	\$ 300.00	\$ 450.00	\$ 600.00
D2780	Crown- 3/4 cast high noble metal	FREE	\$ 275.00	\$ 412.50	\$ 550.00
D2782	Crown- 3/4 cast noble metal	FREE	\$ 275.00	\$ 412.50	\$ 550.00
D2783	Crown- 3/4 porcelain/ceramic	FREE	\$ 290.00	\$ 435.00	\$ 580.00
D2790	Crown-full cast high noble metal	FREE	\$ 260.00	\$ 390.00	\$ 520.00
D2792	Crown-full cast noble metal	FREE	\$ 250.00	\$ 375.00	\$ 500.00
D2799	Provisional crown	FREE	\$ 62.50	\$ 93.75	\$ 125.00
D2910	Recement inlay	FREE	\$ 25.00	\$ 37.50	\$ 50.00
D2920	Recement crown	FREE	\$ 25.00	\$ 37.50	\$ 50.00
D2930	Stainless steel crown-prim tooth	FREE	\$ 82.50	\$ 123.75	\$ 165.00
D2931	Prefabr stainless steel crown-perm tooth	FREE	\$ 65.00	\$ 97.50	\$ 130.00
D2932	Prefabr resin crown	FREE	\$ 72.50	\$ 108.75	\$ 145.00
D2940	Sedative filling	FREE	\$ 25.00	\$ 37.50	\$ 50.00
D2950	Core build-up, including any pins	FREE	\$ 67.50	\$ 101.25	\$ 135.00
D2951	Pin retention per tooth (in addition to restoration)	FREE	\$ 12.50	\$ 18.75	\$ 25.00
D2952	Cast post and core	FREE	\$ 112.50	\$ 168.75	\$ 225.00
D2953	Ea addtnl cast post- same tooth	FREE	\$ 20.00	\$ 30.00	\$ 40.00
D2954	Prefabr post and core in addition to crown	FREE	\$ 70.00	\$ 105.00	\$ 140.00
D2955	Post removal (not in conjunctn with endo therapy)	FREE	\$ 60.00	\$ 90.00	\$ 120.00
D2957	Ea addtnl prefabricated post- same tooth	FREE	\$ 20.00	\$ 30.00	\$ 40.00
D2960	Labial veneer-chairside	FREE	\$ 112.50	\$ 168.75	\$ 225.00
D2961	Labial veneer (resin)-laboratory	FREE	\$ 147.50	\$ 221.25	\$ 295.00
D2962	Labial veneer (porcelain)-laboratory	FREE	\$ 190.00	\$ 285.00	\$ 380.00
D2970	Temporary crown (fractured tooth)	FREE	\$ 75.00	\$ 112.50	\$ 150.00
D3110	Pulp cap-direct	FREE	\$ 17.50	\$ 26.25	\$ 35.00
D3120	Pulp cap-indirect	FREE	\$ 17.50	\$ 26.25	\$ 35.00
D3220	Pulpotomy (excluding restoration)	FREE	\$ 37.50	\$ 56.25	\$ 75.00
D3211	Gross pulpal debridement-primary or perm tooth	FREE	\$ 45.00	\$ 67.50	\$ 90.00
D3230	Pulpal therapy (resorbable filling)-ant, primary tooth	FREE	\$ 52.50	\$ 78.75	\$ 105.00

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D3240	Pulpal therapy (resorbable filling)-poster, primary tooth	FREE	\$ 60.00	\$ 90.00	\$ 120.00
D3310	Anterior endo	FREE	\$ 110.00	\$ 165.00	\$ 220.00
D3320	Bicusp endo	FREE	\$ 150.00	\$ 225.00	\$ 300.00
D3330	Molar endo	FREE	\$ 240.00	\$ 360.00	\$ 480.00
D3346	Retreatment of prev root canal therapy (ant)	FREE	\$ 110.00	\$ 165.00	\$ 220.00
D3347	Retreatment of prev root canal therapy (bicusp)	FREE	\$ 150.00	\$ 225.00	\$ 300.00
D3348	Retreatment of prev root canal therapy (molar)	FREE	\$ 240.00	\$ 360.00	\$ 480.00
D3351	Apexification/recalcif-initial visit (CONTD)	FREE	\$ 110.00	\$ 165.00	\$ 220.00
	(apic closure, rt resrptn, repair of perf, etc.)				
D3352	Apexific/recal-interim medication replacement	FREE	\$ 45.00	\$ 67.50	\$ 90.00
D3353	Apexific/recal-final visit (includes complete root canal therapy)	FREE	\$ 190.00	\$ 285.00	\$ 380.00
D3950	Canal prep and fitting of preformed dowel or post	FREE	\$ 45.00	\$ 67.50	\$ 90.00
D4210	Gingivectomy or gingivoplasty per quad	FREE	\$ 100.00	\$ 150.00	\$ 200.00
D4211	Gingivect or gingivopl per tooth	FREE	\$ 47.50	\$ 71.25	\$ 95.00
D4220	Gingival curettage, surgical, per quad, by report	FREE	\$ 65.00	\$ 97.50	\$ 130.00
D4240	Gingival flap proced, incl root planing, per quad	FREE	\$ 100.00	\$ 150.00	\$ 200.00
D4245	Apically positioned flap	FREE	\$ 120.00	\$ 180.00	\$ 240.00
D4249	Clinical crown lengthening-hard tissue	FREE	\$ 107.50	\$ 161.25	\$ 215.00
D4260	Osseous surg, include flap, per quad	FREE	\$ 160.00	\$ 240.00	\$ 320.00
D4320	Provisional splinting—intracoronal	FREE	\$ 110.00	\$ 165.00	\$ 220.00
D4321	Provisional splint-extracoronal	FREE	\$ 90.00	\$ 135.00	\$ 180.00
D4341	Perio scaling and root planing per quad	FREE	\$ 45.00	\$ 67.50	\$ 90.00
D4355	Full mouth debridement to enable compreh perio eval and diagnosis	FREE	\$ 47.50	\$ 71.25	\$ 95.00
D4381	Localized delivery of chemotherap agents via a controlled release vehicle into diseased crevicular tissue, per tooth, by report	FREE	\$ 37.50	\$ 56.25	\$ 75.00
D4910	Perio maintenance procedures (after active therapy)	FREE	\$ 25.00	\$ 37.50	\$ 50.00
D5110	Complete denture-max	FREE	\$ 300.00	\$ 450.00	\$ 600.00
D5120	Complete denture-mandibular	FREE	\$ 300.00	\$ 450.00	\$ 600.00
D5130	Immediate denture-max	FREE	\$ 275.00	\$ 412.50	\$ 550.00
D5140	Immediate denture-mand	FREE	\$ 275.00	\$ 412.50	\$ 550.00
D5211	Max partial denture-resin base	FREE	\$ 260.00	\$ 390.00	\$ 520.00
D5212	Mand partial denture-resin base	FREE	\$ 260.00	\$ 390.00	\$ 520.00
D5213	Max partial dent-cast metal framework	FREE	\$ 337.50	\$ 506.25	\$ 675.00
D5214	Mand partial denture-cast metal frame	FREE	\$ 337.50	\$ 506.25	\$ 675.00
D5410	Adj complete denture-max	FREE	\$ 20.00	\$ 30.00	\$ 40.00
D5411	Adj complete denture-mand	FREE	\$ 20.00	\$ 30.00	\$ 40.00
D5421	Adj partial denture-max	FREE	\$ 20.00	\$ 30.00	\$ 40.00
D5422	Adj partial denture-mand	FREE	\$ 20.00	\$ 30.00	\$ 40.00
D5510	Repair broken complete denture base	FREE	\$ 40.00	\$ 60.00	\$ 80.00
D5520	Replace complete denture tooth	FREE	\$ 42.50	\$ 63.75	\$ 85.00

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D5610	Repair resin dent base-partial dent	FREE	\$ 40.00	\$ 60.00	\$ 80.00
D5620	Repair cast framework	FREE	\$ 62.50	\$ 93.75	\$ 125.00
D5630	Repair/replace broken partial clasp	FREE	\$ 50.00	\$ 75.00	\$ 100.00
D5640	Replace broken tooth on partial-per tooth	FREE	\$ 42.50	\$ 63.75	\$ 85.00
D5650	Add tooth to existing partial denture	FREE	\$ 42.50	\$ 63.75	\$ 85.00
D5660	Add clasp to existing partial denture	FREE	\$ 50.00	\$ 75.00	\$ 100.00
D5710	Rebase complete max denture	FREE	\$ 110.00	\$ 165.00	\$ 220.00
D5711	Rebase complete mand denture	FREE	\$ 110.00	\$ 165.00	\$ 220.00
D5720	Rebase max partial denture	FREE	\$ 90.00	\$ 135.00	\$ 180.00
D5721	Rebase mand partial denture	FREE	\$ 90.00	\$ 135.00	\$ 180.00
D5730	Reline complete max denture (chairside)	FREE	\$ 70.00	\$ 105.00	\$ 140.00
D5731	Reline complete mand denture (chairside)	FREE	\$ 70.00	\$ 105.00	\$ 140.00
D5740	Reline max partial dent (chairside)	FREE	\$ 57.50	\$ 86.25	\$ 115.00
D5741	Reline mand partial dent (chairside)	FREE	\$ 57.50	\$ 86.25	\$ 115.00
D5750	Reline complete max dent (lab)	FREE	\$ 95.00	\$ 142.50	\$ 190.00
D5751	Reline complete mand denture (lab)	FREE	\$ 95.00	\$ 142.50	\$ 190.00
D5760	Reline max partial denture (lab)	FREE	\$ 80.00	\$ 120.00	\$ 160.00
D5761	Reline mand partial denture (lab)	FREE	\$ 80.00	\$ 120.00	\$ 160.00
D5820	Interim partial dent-max	FREE	\$ 175.00	\$ 262.50	\$ 350.00
D5821	Interim partial dent-mand	FREE	\$ 175.00	\$ 262.50	\$ 350.00
D5850	Tissue condit, max	FREE	\$ 25.00	\$ 37.50	\$ 50.00
D5851	Tissue conditioning, mand	FREE	\$ 25.00	\$ 37.50	\$ 50.00
D5860	Overdenture-complete, by report	FREE	\$ 375.00	\$ 562.50	\$ 750.00
D5861	Overdenture-partial, by report	FREE	\$ 390.00	\$ 585.00	\$ 780.00
D5862	Precision attachment, by report	FREE	\$ 50.00	\$ 75.00	\$ 100.00
D5867	Replacement of replaceable part of semi-precision or precision attachment	FREE	\$ 40.00	\$ 60.00	\$ 80.00
D5875	Modification of removable prosthesis followng implant surgery	FREE	\$ 150.00	\$ 225.00	\$ 300.00
D5988	Surgical splint	FREE	\$ 200.00	\$ 300.00	\$ 400.00
D6210	Pontic-cast high noble metal	FREE	\$ 260.00	\$ 390.00	\$ 520.00
D6212	Pontic-cast noble metal	FREE	\$ 250.00	\$ 375.00	\$ 500.00
D6240	Pontic-porcelain fused to high noble metal	FREE	\$ 300.00	\$ 450.00	\$ 600.00
D6242	Pontic-porcelain fused to noble metal	FREE	\$ 300.00	\$ 450.00	\$ 600.00
D6245	Pontic-porcelain/ceramic	FREE	\$ 300.00	\$ 450.00	\$ 600.00
D6520	Inlay-metallic-2 surf	FREE	\$ 144.50	\$ 216.75	\$ 289.00
D6530	Inlay-metallic-3 or more surfs	FREE	\$ 161.00	\$ 241.50	\$ 322.00
D6543	Onlay-metallic-3 surfs	FREE	\$ 182.50	\$ 273.75	\$ 365.00
D6544	Onlay-metallic-4 or more surfs	FREE	\$ 202.50	\$ 303.75	\$ 405.00
D6545	Retainer-cast metal for resin bonded bridge	FREE	\$ 140.00	\$ 210.00	\$ 280.00
D6548	Retainer-porcelain/ceramic for bonded fixed prosth	FREE	\$ 175.00	\$ 262.50	\$ 350.00
D6750	Crown-PF to high noble metal	FREE	\$ 300.00	\$ 450.00	\$ 600.00

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D6752	Crown-porcelain fused to noble metal	FREE	\$ 300.00	\$ 450.00	\$ 600.00
D6780	Crown-3/4 cast high noble metal	FREE	\$ 275.00	\$ 412.50	\$ 550.00
D6782	Crown-3/4 cast noble metal	FREE	\$ 275.00	\$ 412.50	\$ 550.00
D6783	Crown-3/4 porcelain/ceramic	FREE	\$ 290.00	\$ 435.00	\$ 580.00
D6790	Crown-full cast high noble metal	FREE	\$ 260.00	\$ 390.00	\$ 520.00
D6792	Crown-full cast noble metal	FREE	\$ 250.00	\$ 375.00	\$ 500.00
D6920	Connector bar	FREE	\$ 50.00	\$ 75.00	\$ 100.00
D6930	Recement bridge	FREE	\$ 35.00	\$ 52.50	\$ 70.00
D6940	Stress breaker	FREE	\$ 50.00	\$ 75.00	\$ 100.00
D6950	Precision attachment	FREE	\$ 50.00	\$ 75.00	\$ 100.00
D6970	Cast post and core in addition to fixed partial denture retainer	FREE	\$ 105.00	\$ 157.50	\$ 210.00
D6972	Prefabricated post and core in addition to fixed partial denture retainer	FREE	\$ 70.00	\$ 105.00	\$ 140.00
D6973	Core build up for retainer, including any pins	FREE	\$ 67.50	\$ 101.25	\$ 135.00
D6975	Coping-metal	FREE	\$ 150.00	\$ 225.00	\$ 300.00
D6976	Ea addtln cast post-same tooth	FREE	\$ 20.00	\$ 30.00	\$ 40.00
D6977	Ea addtln prefab post-same tooth	FREE	\$ 20.00	\$ 30.00	\$ 40.00
D7110	Extr single tooth	FREE	\$ 35.00	\$ 52.50	\$ 70.00
D7120	Extr ea additional tooth	FREE	\$ 25.00	\$ 37.50	\$ 50.00
D7130	Root removal-exposed roots	FREE	\$ 30.00	\$ 45.00	\$ 60.00
D7210	Surg remov of erupted tooth	FREE	\$ 50.00	\$ 75.00	\$ 100.00
D7220	Remov of impacted tooth-soft tiss	FREE	\$ 75.00	\$ 112.50	\$ 150.00
D7230	Remov of impac tooth-part bony	FREE	\$ 100.00	\$ 150.00	\$ 200.00
D7240	Remov of impacted tooth-complete bony	FREE	\$ 125.00	\$ 187.50	\$ 250.00
D7241	Removal of impacted tooth-completely bony, with unusual surg complic	FREE	\$ 150.00	\$ 225.00	\$ 300.00
D7250	Surg removal of resid tooth roots (cutting proced)	FREE	\$ 50.00	\$ 75.00	\$ 100.00
D7260	Oroantral fistula closure	FREE	\$ 100.00	\$ 150.00	\$ 200.00
D7270	Tooth reimplantation and/or stabiliz of accidentally avulsed or displaced tooth and/or alveolus	FREE	\$ 125.00	\$ 187.50	\$ 250.00
D7280	Surg exposure of tooth for ortho	FREE	\$ 100.00	\$ 150.00	\$ 200.00
D7281	Surg exposure of impacted or unerupted tooth toaid eruption	FREE	\$ 75.00	\$ 112.50	\$ 150.00
D7285	Biopsy of oral tissue-hard	FREE	\$ 100.00	\$ 150.00	\$ 200.00
D7286	Biopsy of oral tissue-soft	FREE	\$ 90.00	\$ 135.00	\$ 180.00
D7290	Surg repositioning of teeth	FREE	\$ 150.00	\$ 225.00	\$ 300.00
D7291	Transseptal fiberotomy, by report	FREE	\$ 110.00	\$ 165.00	\$ 220.00
D7310	Alveoplasty with extractions per quad	FREE	\$ 45.00	\$ 67.50	\$ 90.00
D7320	Alveoplasty with no extractions per quad	FREE	\$ 75.00	\$ 112.50	\$ 150.00
D7340	Vestibuloplasty-ridge extensn-secondary epithel	FREE	\$ 150.00	\$ 225.00	\$ 300.00
D7350	Vestibuloplasty-ridge extensn-surg exc of inflam les	FREE	\$ 80.00	\$ 120.00	\$ 160.00
D7510	Incis and drain-intraoral soft tiss	FREE	\$ 45.00	\$ 67.50	\$ 90.00
D7520	Incis and drain-extraoral soft tiss	FREE	\$ 75.00	\$ 112.50	\$ 150.00
D7530	Remov of foreign body,skin, or subcut alveolar tissue	FREE	\$ 100.00	\$ 150.00	\$ 200.00

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D7670	Alveolus-stabil of teetk, open red splinting	FREE	\$ 300.00	\$ 450.00	\$ 600.00
D7820	Closed reduc of dislocation	FREE	\$ 100.00	\$ 150.00	\$ 200.00
D7911	Complicated suture up to 5cm	FREE	\$ 125.00	\$ 187.50	\$ 250.00
D7912	Complicated suture >5cm	FREE	\$ 400.00	\$ 600.00	\$ 800.00
D7960	Frenectomy	FREE	\$ 75.00	\$ 112.50	\$ 150.00
D7970	Excis of hyperplastic tiss per arch	FREE	\$ 100.00	\$ 150.00	\$ 200.00
D9110	Palliative tx (emerg) of dental pain	FREE	\$ 40.00	\$ 60.00	\$ 80.00
D9230	Analgesia	FREE	\$ 45.00	\$ 67.50	\$ 90.00
D9241	IV Sedation -- first 30 min	FREE	\$ 25.00	\$ 37.50	\$ 50.00
D9242	IV Sedation -- ea additional 15 min	FREE	\$ 12.50	\$ 18.75	\$ 25.00
D9310	Consultation (diagnosis by other than trmt. provider)	FREE	\$ 37.50	\$ 56.25	\$ 75.00
D9430	Office visit for observation (during reg sched hours) -- no other services performed	FREE	\$ 25.00	\$ 37.50	\$ 50.00
D9440	Office visit- after reg sched hours	FREE	\$ 50.00	\$ 75.00	\$ 100.00
D9610	Therapeutic drug injection, by report	FREE	\$ 25.00	\$ 37.50	\$ 50.00
D9630	Other drugs and/or medicaments, by report	FREE	\$ 25.00	\$ 37.50	\$ 50.00
D9910	Applic of desensitizing medicament	FREE	\$ 25.00	\$ 37.50	\$ 50.00
D9911	Application of densitizing resin for cervical and/or root surface,per tooth	FREE	\$ 15.00	\$ 22.50	\$ 30.00
D9920	Behavior mgmt, by report (per 15 min)	FREE	\$ 7.50	\$ 11.25	\$ 15.00
D9930	Treatment of complications (post-surg)-unusual circumstances, by report	FREE	\$ 25.00	\$ 37.50	\$ 50.00
D9940	Occlusal guard	FREE	\$ 120.00	\$ 180.00	\$ 240.00
D9941	Fabrication of athletic mouthgard	FREE	\$ 75.00	\$ 112.50	\$ 150.00
D9950	Occlusion analysis-mounted case	FREE	\$ 75.00	\$ 112.50	\$ 150.00
D9951	Occlusal adjmt-ltd	FREE	\$ 35.00	\$ 52.50	\$ 70.00
D9952	Occlusal adj.-complete	FREE	\$ 75.00	\$ 112.50	\$ 150.00
D9970	Enamel microabrasion	FREE	\$ 37.50	\$ 56.25	\$ 75.00
D9971	Odontoplasty 1-2 teeth, includes removal of enamel projections	FREE	\$ 25.00	\$ 37.50	\$ 50.00
D9972	External bleaching per arch	FREE	\$ 62.50	\$ 93.75	\$ 125.00
D9973	External bleaching per tooth	FREE	\$ 40.00	\$ 60.00	\$ 80.00
D9974	Internal bleaching per tooth	FREE	\$ 40.00	\$ 60.00	\$ 80.00
D9999	Unspecified dental procedure	FREE	\$ 30.00	\$ 45.00	\$ 60.00

(3-1) Legislator Holt absent. Legislator Larson in the negative.

2. Item Page -2002 (Comm. 13E-26)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Community Services for the Elderly (CSE) grant for the period April 1, 2002 to March 31, 2003; and

WHEREAS, the Erie County Legislature at its meeting of April 25, 2002, approved a transfer of funding from the Kensington-Bailey Area Planning Committee to Bailey Delavan Community Services to provide case management, information and assistance to frail older adults in the northeast section of the City of Buffalo for the period April 1 through July 31, 2002; and

WHEREAS, Kensington- Bailey APC is no longer able to provide such services; and

WHEREAS, Bailey Delavan Community Services has been able to maintain service delivery uninterrupted for the four-month interim period and is willing to continue providing these services for the remainder of the grant period, and

WHEREAS, the Department of Senior Services desires to transfer the remaining \$54,756 County cash portion of Kensington-Bailey APC funds to Bailey Delevan Community Services to assure continued delivery of services; and

WHEREAS, the CSE grant budget and the related agency contract are in need of revision.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to amend the contract with Bailey Delavan Community Services to increase the contract by \$62,752 to continue case management and related services to the northeast section of the City of Buffalo for the period August 1, 2002 to March 31, 2003, and be it further

RESOLVED, that the Department of Senior Services be authorized to issue a 25% advance to Bailey-Delavan Community Services for the additional County cash funds, and be it further

RESOLVED, that the CSE grant budget, Project 653, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				
Account	Description			
830/309	Kensington Bailey Area Planning	\$62,756	-\$62,756	\$---0---
830/355	Bailey Delevan Comm. Services	91,569	+ 62,756	154,325
	TOTAL CHANGE		\$0	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Comptroller's Office, the County Attorney and the Department of Senior Services.

(4-0) Legislator Holt absent.

3. Item Page -2002 (Comm. 13E-27)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Senior Community Services Employment grant for the period July 1, 2001 to June 30, 2002, and

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WHEREAS, the New York State Office for the Aging has allocated additional funds to this grant program which delivers employment and training services to persons age 55 and over, and

WHEREAS, the Department of Senior Services contracts with Supportive Services Corp. to administer this program, and

WHEREAS, the County budget for this grant is in need of revision, and

WHEREAS, no additional County funds are required

NOW, THEREFORE, BE IT

RESOLVED, that the budget for the Senior Community Services Employment grant for the period July 1, 2001 to June 30, 2002, Project 434, be revised as follows:

<u>REVENUES</u>		<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>AMENDED BUDGET</u>
<u>Account</u>	<u>Description</u>			
326	Interest	\$ 1,139	\$- 396	\$ 743
443	In-Kind	17,252	+ 3,730	20,982
664	Federal Aid	387,468	+ <u>30,000</u>	417,468
TOTAL CHANGE TO REVENUES			<u>\$+ 33,334</u>	
 <u>APPROPRIATIONS</u>				
830/235	Supportive Services	430,520	<u>\$+ 33,334</u>	\$463,854
TOTAL CHANGE TO APPROPRIATIONS			<u>\$+ 33,334</u>	

and be it further

RESOLVED, that the County Executive is authorized to amend the existing contract with Supportive Services Corp. for the period July 1, 2001 to June 30, 2002 to reflect the additional grant funds, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Comptroller's Office, the County Attorney and the Department of Senior Services.

(4-0) Legislator Holt absent.

4. Item Page -2002 (Comm. 13E-28)
COUNTY EXECUTIVE

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WHEREAS, the Erie County Legislature has already appropriated funds for the Congregate Dining Nutrition Program (III-C-1) grant for the periods January 1, 2002 to December 31, 2002; and

WHEREAS, the New York State Office for the Aging (SOFA) has notified the Department of Senior Services of additional federal allocations, and the County has identified additional matching funds for the nutrition program, and

WHEREAS, the Department of Senior Services desires to be proactive in its approach to a healthy senior community by increasing health and wellness awareness at the numerous senior nutrition sites throughout Erie County, and

WHEREAS, the Department desires to create a Coordinator of Multipurpose Centers position (job group 9) effective 7/15/02 in the III-C-1 grant in order to coordinate health and wellness activities with the numerous senior nutrition sites, and

WHEREAS, the Department desires to increase the existing nutrition contract with the Town of Alden to cover the clean-up costs of actual meals to be served, and

WHEREAS, the County budgets for the Department of Social Services and the Department of Senior Services, Administrative Division and the III-C-1 grant are in need of revision.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to accept the additional grant funds from SOFA, and be it further

RESOLVED, that the Coordinator of Multipurpose Centers position (job group 9) be created in the III-C-1 grant, effective July 15, 2002, and be it further

RESOLVED, that the Department of Social Services operating budget be revised as follows:

<u>DAC</u>	<u>Account</u>	<u>Amount of Increase</u>
120953200511	Refund P/Y Expenses	\$21,473
1209532008806309	Interfund Expenses, Senior Services	21,473

and be it further

RESOLVED, that the Department of Senior Services Administrative Division budget be revised as follows:

<u>DAC</u>	<u>Account</u>	<u>Amount of Increase</u>
1109396306852000	Interfund Revenue, Social Services	\$21,473
1109396308806309	Interfund Expenses, Sen. Svs. Grants	21,473

and be it further

RESOLVED, that the County Executive be and is hereby authorized to amend the existing contract with the Town of Alden, and be it further

RESOLVED, that the III-C-1 grant, Project 644, be revised as follows:

REVENUES		CURRENT BUDGET	CHANGES	AMENDED BUDGET
Account	Description			
664	Federal Aid	\$1,370,898	\$8,390	\$1,379,288
686/6300	Interfund Revenue	119,543	<u>21,473</u>	141,016
	TOTAL CHANGE		<u><u>29,863</u></u>	
 APPROPRIATIONS				
800	Personal Services	\$504,863	\$17,435	\$522,298
805	Fringe Benefits	103,446	4,038	107,484
824	Local Mileage	9,000	3,000	12,000
826	Other Expenses	1,243,088	5,390	1,248,478
830/320	Town of Alden	249	491	740
	Other Projected			
830/385	Agencies	1,183	<u>-491</u>	692
	TOTAL CHANGE		<u><u>\$29,863</u></u>	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the County Attorney's Office, the Comptroller's Office, the Department of Social Services and the Department of Senior Services.

(4-0) Legislator Holt absent.

5. Item Page -2002 (Comm. 13E-35)

COUNTY EXECUTIVE

WHEREAS, New York State has consolidated a series of individual allocations into single block grants referred to as the Temporary Assistance to Needy Families (TANF) Services Block Grant and the New York Works Block Grant, and

WHEREAS, the Department received State approval to undertake several initiatives as a part of these plans including "Intensive Youth Independence Project for At-Risk Youth," an "Employee Assistance Program for Employed TANF Clients", the "Full Service Schools to Close the

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Gap on Student Performance in the Buffalo Schools" program and the "Erie County Jobs Corps" program, and

WHEREAS, the State has approved additional funding to enable the Department to extend these initiatives through December 31, 2002, and

WHEREAS, each of these initiatives is focused on critically needed and cost effective services targeted toward families and individuals with incomes under 200 percent of the Federal Poverty Level, and

WHEREAS, the Department conducted an extensive Request for Proposals (RFP) process consistent with section 19.08 of the County administrative code to initially select community agency service providers and has available the details of the RFP review and selection process, and

WHEREAS, Legislative authorization is necessary to execute these contractual extensions, and

WHEREAS, all funding referenced herein is 100% Federal share.

NOW, THEREFORE, BE IT

RESOLVED, that the Department is authorized to accept the additional TANF funding, and be it further

RESOLVED, that the Commissioner of Social Services and/or the County Executive are authorized to execute contract extensions with the community providers named in this resolution, and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2002 Adopted Budget:

Department of Social Services, Fund 281, Department 200, Project 592

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
<i>Employee Assistance for Employed TANF Clients:</i>		
830-1428	Goodwill Industries	9,870
830-0361	Neighborhood Legal Services	12,500
<i>Intensive Youth Independence for At-Risk Youth:</i>		
830-0122	Child and Adolescent Treatment Services	98,500
830-1431	Care Management Coalition	9,019
<i>Full Service Schools:</i>		
830-0370	Be a Friend Program	50,000
830-0549	Parents Anonymous	71,915
830-0546	Boys and Girls Clubs of Buffalo	44,100

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830-0290	Life Transitions Center, Inc.	22,122
830-1429	Mt. Olive Development Corporation	100,000
830-1087	Every Person Influences Children (EPIC)	<u>50,000</u>
	Total Appropriations	<u>\$468,026</u>
649	Federal Aid	<u>\$468,026</u>
	Total Revenues	<u>\$468,026</u>

and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2002 Adopted Budget:

Department of Social Services, Fund 281, Department 200, Project 597

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
<i>Erie County Job Corps</i>		
830-1474	West Seneca Americorps	<u>\$ 50,000</u>
	Total Appropriations	<u>\$ 50,000</u>
649	Federal Aid	<u>\$ 50,000</u>
	Total Revenues	<u>\$ 50,000</u>

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Commissioner of the Department of Social Services, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.

(4-0) Legislator Holt absent.

6. Item Page -2002 (Comm. 13E-36)

COUNTY EXECUTIVE

WHEREAS, the Department has been awarded funding in the amount of \$143,883 in 100% Federal share Temporary Assistance to Needy Families (TANF) funds to enhance non-residential services to victims of domestic violence, and

WHEREAS, the additional federal TANF funding is awarded for contract expansion to vendors with existing State approval to deliver non-residential services to victims of domestic violence, and

WHEREAS, the provisions of the award specifically prohibit the supplantation of existing funding agreements and also prohibit the use of funds for County government operation, and

WHEREAS, only new contractual services or expansion of existing contractual services are eligible for this funding, and the vendors used must be among those named in the Department's submission to the State of the Consolidated Services Plan (CSP), and

WHEREAS, the Department has determined the distribution of these funds through negotiation of program enhancements with all of the vendors eligible to receive funds.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services and/or the County Executive are hereby authorized to enter into or amend contracts for expanded non-residential services to victims of domestic violence with Child and Family Services, Crisis Services and Hispanics United, and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2002 Adopted Budget:

Department of Social Services, Fund 120, Department 200

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
830-0119	Crisis Services	\$ 46,397
830-0220	Hispanics United of Buffalo	25,546
830-0324	Child and Family Services	<u>71,940</u>
	Total Expenditures	<u>\$143,883</u>
649	Federal Aid	<u>\$143,883</u>
	Total Revenues	<u>\$143,883</u>

and be it further

RESOLVED, that because only State-approved providers of non-residential services to victims of domestic violence are eligible to receive these funds, and because Department has negotiated program enhancements with all of the vendors eligible to provide services and because these special services are needed immediately, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Commissioner of the Department of Social Services, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.

(4-0) Legislator Holt absent.

7. Item Page -2002 (Comm. 13E-37)
COUNTY EXECUTIVE

WHEREAS, the County has received a 100% Federal share grant award in the amount of \$162,866 for the Transitional Services Program (TSP) to expand a consolidated service delivery model, and

WHEREAS, a major stumbling block for full service integration for active cases in diverse social services programs has been a disparity in job titles, career ladders and salary levels of staff in various Department functions, and

WHEREAS, this additional funding will further bridge the gap in parity in job titles enabling more staff to receive cross training and multi-functional work assignments through the Federal grant award.

NOW, THEREFORE, BE IT

RESOLVED, that the following new positions are hereby authorized effective July 1, 2002 in the Transitional Services Program grant within the Department of Social Services, Department 200, Fund 281, Project Number 607:

Number	Title	Job Grade
5	Transitional Opportunity Worker	8

and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2002 Adopted Budget:

Department of Social Services, Department 200, Fund 281, Project 607

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
800	Personal Services	\$102,268
805	Fringe Benefits	24,543
826	Other Expenses	26,715
932	Office Equipment	7,000
933	Lab and Technical Equipment	<u>2,340</u>
	Total Expenditures	<u>\$162,866</u>
649	Federal Aid	<u>\$162,866</u>

Total Revenues \$162,866

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Commissioner of the Department of Social Services, the Erie County Comptroller, the Director of the Division of Budget, Management and Finance and the Commissioner of Personnel.
 (4-0) Legislator Holt absent.

8. Item Page -2002 (Comm. 13E-38)
COUNTY EXECUTIVE

WHEREAS, the Department of Social Services has issued an annual Request for Proposals (RFP) and has selected providers for its Employee Education and Training Program pursuant to Section 19.08 of the Erie County Administrative Code, and has responses and the evaluation and selection material available, and

WHEREAS, the Department of Social Services must have Legislative approval to renew Employee Education and Training Program contracts, and

WHEREAS, these contracts will allow for employees of the Department of Social Services to upgrade their professional knowledge and skills thereby benefiting the operations of the Department, and

WHEREAS, no additional County funds are required since the 2002 Adopted Budget of the Erie County Department of Social Services has an existing appropriation in Account 826, Other Expenses or Charges, sufficient to cover the Employee Education and Training Program.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Department of Social Services, is hereby authorized to renew the Employee Education and Training Program contracts as specified below:

<u>Educational Institution</u>	<u>Period</u>	<u>Gross Contract</u>	<u>Institution's Contribution</u>	<u>Paid by ECDSS</u>
Buffalo State College (CDHS) (Master's/ Bachelor's Degrees)	9/1/02-8/31/03	\$1,249,998	\$450,000	\$799,998
Buffalo State	9/1/02-	\$1,830,561	\$659,002	\$1,171,559

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College (CDHS) (In-service training and Organizational Development)	8/31/03			
Empire State College (Bachelor's/Associate's Degrees in Business/ Community and Human Services)	9/1/02- 8/31/03	\$364,574	\$134,892	\$229,682
Empire State College (In-Service Training)	9/1/02- 8/31/03	\$759,710	\$243,107	\$516,603
SUNY-Millard Fillmore College (Bachelor's Degrees in Business and Human Services)	8/21/02- 8/20/03	\$169,323	\$59,263	\$110,060
SUNYAB - School of Social Work (Master's of Social Work & Certificate in Trauma Studies)	9/1/02- 8/31/03	\$257,711	\$90,199	\$167,512
SUNYAB Institute for Addictions Studies and Training (In-Service Training)	10/1/02- 9/30/03	\$229,619	\$80,367	\$149,252
Erie Community College (In-Service Training)	10/1/02- 9/30/03	\$420,171	\$151,261	\$268,910

and be it further

RESOLVED, that the source of funds for the above contract renewals is available in an existing appropriation in the 2002 Adopted Budget of the Department of Social Services in Account 826, Other Expenses or Charges, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Department of Social Services, the Office of the Erie County Comptroller and the Division of Budget, Management and Finance.

(4-0) Legislator Holt absent.

9. Item Page -2002 (Comm. 13E-39)

COUNTY EXECUTIVE

WHEREAS, Erie County has been the leader in the implementation of managed care programs for the Medicaid population, and

WHEREAS, the Department of Social Services has been notified of renewal of a grant award in the amount of \$248,556 for the Medicaid Managed Care program for the 2002-2003 State fiscal year, and

WHEREAS, the grant is used to fund overtime salary expenses for the staff who process managed care enrollments and recertifications, as well as for related travel and contractual costs, and

WHEREAS, continuation of contracts with two organizations are necessary, including the Child Advocacy Center of Buffalo and Family Medicine Faculty Associates, Inc., and

WHEREAS, these grant resources are critical for continued implementation and maintenance of mandated managed care enrollments required by New York State, and

WHEREAS, there is no fiscal impact as all expenses are fully reimbursed from State and Federal funds.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and/or the Commissioner of Social Services are hereby authorized to accept funds from New York State in the amount of \$248,556 and to enter into or extend any necessary contracts with agencies specifically identified in appropriations below for the Medicaid Managed Care Grant, and be it further

RESOLVED, that because these special services are needed immediately, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived for the continuation of ongoing contracts for the managed care program, and be it further

RESOLVED, that the following budget is hereby established in the Grant Fund, Fund 281, Department 200 for the Medicaid Managed Care Grant for the period April 1, 2002 through March 31, 2003:

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Department of Social Services, Department 200, Fund 281

<u>Account</u>	<u>Description</u>	<u>Amount</u>
596	State Revenue	\$124,278
649	Federal Revenue	<u>124,278</u>
	Total Revenue	<u>\$248,556</u>

<u>Account</u>	<u>Description</u>	<u>Amount</u>
801	Overtime	\$60,000
805	Fringe Benefits	12,000
825	Out of Area Travel	7,000
826	Other Expenses	3,556
830-0740	Child Advocacy Center of Buffalo	40,000
830-0551	Family Medicine Faculty Associates, Inc.	120,000
880-2006	Allocated Indirect Expenses	<u>6,000</u>
	Total Appropriation	<u>\$248,556</u>

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Department of Social Services, the Office of the Comptroller and the Division of Budget, Management and Finance.

(4-0) Legislator Holt absent.

10. Item page -2002 (Comm. 13E-40)

COUNTY EXECUTIVE

WHEREAS, the Department has been awarded additional 100% Federal one-time funding under the Food Stamp Employment and Training program, and

WHEREAS, the Department proposes to use this funding to expand the highly successful Placing Individuals in Vital Opportunities Training (PIVOT) wage subsidy program to enroll Safety Net clients in receipt of Food Stamp into subsidized employment activities, and

WHEREAS, Safety Net clients are not currently eligible for PIVOT assignments under the existing program as that program is limited to service of Family Assistance recipients, and

WHEREAS, the goal of the PIVOT assignment is for the client to achieve permanent full time paid employment and closure of their public assistance case, and

WHEREAS, the Department anticipates that clients who have performed well in the Goodwill Maintenance Training Program at Dunn Tire Park will be the first clients to receive consideration for the newly available PIVOT assignments, and

WHEREAS, there is no fiscal impact to this change.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive and/or Commissioner of Social Service are authorized to execute contracts with private sector businesses in Erie County for PIVOT assignments, and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2002 Adopted Budget:

Department of Social Services, Department 200, Fund 281, Project 595

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
826	Other Expenses	<u>\$475,000</u>
	Total Expenditures	<u>\$475,000</u>
642	Federal Aid - 100%	<u>\$475,000</u>
	Total Revenues	<u>\$475,000</u>

and be it further

RESOLVED, that because these special services are needed immediately, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Commissioner of the Department of Social Services, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.

(4-0) Legislator Holt absent.

11. Item Page -2002 (Comm. 13E-45)

COUNTY EXECUTIVE

WHEREAS, the Erie County Health Department, Division of Persons with Special Needs operates an Early Intervention program grant funded by the New York State Department of Health which funds the administrative staff responsible for managing the delivery of Early Intervention services to children and families in Erie County.

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NOW, THEREFORE, BE IT

RESOLVED, that \$40,000 is hereby transferred to Account 932, Office Equipment, in the Department of Health – Persons with Special Needs Division Grant Budget #534 to purchase office equipment for the Early Intervention Program; the source of said funds being \$40,000 available in Account 800, Personal Services, in the same administrative unit, and be it further

RESOLVED, that said authorization be on the condition that there will be no additional cost to Erie County for the purchase of this office equipment, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Health, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

(4-0) Legislator Holt absent.

				AS AMENDED
12.	Item	Page	-2002	(Comm. 13E-46)
	COUNTY EXECUTIVE			

WHEREAS, the Erie County Health Department operates a Public Health Campaign Program, and

WHEREAS, the Erie County Department of Health has received a continuing grant from the New York State Health Department in the amount of \$555,642 to fund the Public Health Campaign from 4/1/02 – 3/31/03, and

WHEREAS, the continuing grant includes funding for the Model Tuberculosis Control Clinic and the Sexually Transmitted Disease (STD) Prevention Program, and

WHEREAS, the New York State Public Health Campaign grant award has remained unchanged for several years, and therefore, has not kept pace with contracted salary increases. Therefore, this grant year it is necessary to reduce personnel expenses by deleting one clerical position, and

WHEREAS, this personnel adjustment will enable the Public Health Campaign to stay within budget without reducing direct patient services.

NOW, THEREFORE, BE IT

RESOLVED, that one full-time Sr. Clerk Typist position (position number 811981) is hereby deleted, and be it further

RESOLVED, that the Erie County Executive is hereby authorized to accept a revised grant from the New York State Department of Health which is budgeted as follows:

PUBLIC HEALTH CAMPAIGN

04/1/02 - 03/31/03
PROJECT # 709

<u>SFG</u>	<u>REVENUE</u>	<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>REVISED BUDGET</u>
360	OTHER LOCAL SOURCES	\$ 95,729	\$ -94,729	\$ 1,000
551-100	PUBLIC GOODS POOL	0	63,827	63,827
553	STATE AID	<u>490,815</u>	<u>0</u>	<u>490,815</u>
	TOTAL	<u>\$ 86,544</u>	<u>\$ - 30,902</u>	<u>\$ 55,642</u>
 <u>EXPENSES</u>				
800	PERSONNEL SERVICES	\$ 452,049	\$ -18,314	\$ 433,735
805	FRINGE BENEFITS	104,695	-6,988	97,707
810	OFFICE SUPPLIES	300	-100	200
814	MEDICAL SUPPLIES	4,800	-4,800	0
821	DUES & FEES	1,000	0	1,000
824	TRAVEL & MILEAGE	16,000	0	16,000
825	OUT OF AREA TRAVEL	700	300	1,000
826	OTHER EXPENSES	<u>7,000</u>	<u>-1,000</u>	<u>6,000</u>
	TOTAL	<u>\$586,544</u>	<u>\$ - 30,902</u>	<u>\$ 555,642</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Health, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

(4-0) Legislator Holt absent.

13. Item Page -2002 (Comm. 13E-47)

COUNTY EXECUTIVE

WHEREAS, the Erie County Health Department provides an important program of supplemental food and nutrition to high risk women, infants and children through its WIC Program sites in various locations throughout Erie County, and

WHEREAS, the Erie County Health Department wishes to enter into a lease agreement with Concerned Ecumenical Ministry for space located at 286 Lafayette Avenue, Buffalo, New York, to be utilized as a WIC distribution site.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature hereby approves of this community service and authorizes the County Executive to enter into a lease agreement with Concerned Ecumenical

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Ministry for space located at 286 Lafayette Avenue at a rate of \$100 monthly, commencing September 1, 2002, there being funds available in the WIC Program budget, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Health, Office of the Comptroller, the Division of Budget, Management and Finance and the Department of Law.

(4-0) Legislator Holt absent.

14. Item Page -2002 (Comm. 13E-48)

COUNTY EXECUTIVE

WHEREAS, the New York State Department of Health has awarded a revised contract which extends the contract year from 7/1/01 to 12/31/02 for the Erie County Department of Health to continue a program to provide HIV training services and technical assistance to Western New York health and human services providers and community members to provide the knowledge and skills to protect the Western New York community from HIV infection and provide care to those living with HIV/AIDS, and

WHEREAS, this training focus will assist the New York State Department of Health in meeting its goal of HIV prevention and care.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a revised contract with extends the contract year until 12/31/02, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Health, the Office of the Comptroller, the Division of Budget, Management and Finance and the Department of Law.

(4-0) Legislator Holt absent.

15. Item Page -2002 (Comm. 13E-49)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health currently provides Environmental and Well-Baby services at the Tonawanda Service and Referral Center located at 250 Cortland Avenue, Tonawanda, New York, and

WHEREAS, the current lease expires on August 31, 2002 and the Department wishes to enter into a renewal agreement, and

WHEREAS, a renewal agreement has been received from the Kenmore-Town of Tonawanda Union Free School District.

NOW, THEREFORE, BE IT

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RESOLVED, that the lease for the Department of Health's Tonawanda Service and Referral Center located at 250 Cortland Avenue, Tonawanda, New York is hereby renewed for a one year period commencing September 1, 2002 through August 31, 2003 at an annual rate of \$19,080, and be it further

RESOLVED, that the remaining terms and conditions shall be the same as the existing lease, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Department of Health, the Real Property Unit in the Division of Budget, Management and Finance, the Comptroller's Office, the Division of Budget, Management and Finance and the Department of Law. (4-0) Legislator Holt absent.

BARRY WEINSTEIN, M.D.
CHAIRMAN

MR. WEINSTEIN moved to separate item #1 and moved the approval of the balance of the resolution. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

MR. WEINSTEIN moved the approval of item #1. MR. GREENAN seconded.

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

AYES: DALE, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, PEOPLES, SCHROEDER, CHASE, CUSACK, DeBENEDETTI, GREENAN, McCARVILLE, RANZENHOFER & WEINSTEIN. NOES: LARSON.

CARRIED. (WEIGHTED VOTE: 14.766 – 1.192)

Item 19 – MS. CUSACK presented the following resolution and moved for immediate consideration. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 298

June 27, 2002

COMMUNITY ENRICHMENT
 COMMITTEE
 REPORT NO. 10

ALL MEMBERS PRESENT. CHAIRMAN DeBENEDETTI PRESENT AS EX-OFFICIO MEMBER.

1. Item Page -2002 (Comm. 13E-14)

COUNTY EXECUTIVE

WHEREAS, community-based events that will be held in Buffalo and Erie County this summer, which include the 6th Annual Drums Along the Waterfront event, and Sunday in the Park in South Buffalo, will enhance our quality of life by providing thousands of our residents and visitors with a variety of recreational and cultural opportunities, and such events result in significant economic benefits for our community; and

WHEREAS, a cooperative, contractual relationship between the West Seneca Youth Bureau AmeriCorps/VISTA and Erie County, will provide an AmeriCorps VISTA volunteer to assist Erie County in completing the study of management transition options for the Buffalo and Erie County Botanical Gardens, with the intent of enhancing and maximizing the managerial and fiscal potential of this regional cultural tourism asset,

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreements to provide funds, as specified below, to the organizations administering funds for these events and project; and be it further

RESOLVED, that funds in the amount of \$8,100 are hereby transferred from the Extraordinary County Aid to Local Governments Regionalism/Economic Development Funds (DAC 1109043038301299) to the following new sub accounts under Contractual Services in department 302, Public Benefit Agencies, as monitored by Environment and Planning:

Drum Corps International Inc.

6th Annual Drums Along the Waterfront Event - \$2,000

South Buffalo Economic and Community Development Corporation

Sunday in the Park - \$3,000

West Seneca Youth Bureau AmeriCorps/VISTA

AmeriCorps VISTA Volunteer Services for Buffalo and Erie County Botanical Gardens Management Transition Study - \$3,100

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, County Comptroller, Director of the Division of Budget, Management and Finance, the Commissioner of the Department of Environment and Planning, the Commissioner of the Department of Parks, Recreation and Forestry, the Commissioner of the Department of Public Works, and the following sponsoring organizations: Jack Gaylord, Jr., Regional Coordinator, Drum Corps International, Inc., c/o 13419 Quaker Street, Collins, New York 14034; Joanne Panek-Hortman, South Buffalo Economic and

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Community Development Corporation, 817 Abbott Rd., Buffalo, NY 14220; Mark P. Lazzara, Executive Director, West Seneca AmeriCorps/VISTA, c/o Charles E. Burchfield Nature and Art Center, 2001 Union Road, West Seneca, NY 14224.

(5-0)

ELISE M. CUSACK
CHAIRPERSON

MS. CUSACK moved the approval of the resolution. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 20 – MR. McCARVILLE presented the following resolution and moved for immediate consideration. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 299

June 27, 2002

GOVERNMENT AFFAIRS
 COMMITTEE
 REPORT NO. 9

ALL MEMBERS PRESENT.

1. RESOLVED, that the following item is hereby received and filed.

a.	Item	Page	-2002	(Comm. 13D-3)
	COUNTY ATTORNEY:	Notice of Claims.		
		(5-0)		

2.	Item	Page	-2002	(Comm. 13E-10)
	SHERIFF			

WHEREAS, the Office of Court Administration and the Erie County Sheriff's Office are requesting to delete one (1) position of Sergeant Officer, Job Group 9 and,

WHEREAS, the Office of Court Administration and the Erie County Sheriff's Office are requesting the addition of five (5) Deputy Sheriff Officers, Job Group 8 for the Unified Court Security detail, and

WHEREAS, funding for these positions is made available through the Office of Court Administration through the Unified Court Security Grant,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office be authorized to delete one (1) Sergeant Officer, Job Group 9 position, and be it further

RESOLVED, that the Erie County Sheriff's Office be authorized to create five (5) Deputy Sheriff Officer, Job Group 8 positions, and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

UNIFIED COURT SECURITY GRANT - PROJECT #723
4/01/02 - 3/31/03

REVENUE

SFG ACCOUNT

627	State Aid Revenues	<u>\$179,710</u>
	Total Revenue	<u>\$179,710</u>

APPROPRIATIONS

SFG ACCOUNT

800	Personal Services	\$134,177
801	Overtime	10,750
805	Fringe Benefits	<u>34,783</u>
	Total Appropriations	<u>\$179,710</u>

and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget, Management, and Finance, the Department of Personnel and the Office of the Sheriff for implementation.
 (5-0)

3. Item Page -2002 (Comm. 13E-20)

COUNTY EXECUTIVE

WHEREAS, the Department of Probation and Youth Detention Services is responsible for providing secure and non-secure detention services in Erie County, and

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WHEREAS, the 38 bed Secure Detention Facility in Alden cannot handle the projected summer 2002 population peak of (60) sixty Secure Juvenile Youth remanded to the custody of Detention, and

WHEREAS, currently (14) Secure youth from Erie County are being housed at a Juvenile Detention Facility in The Bronx, New York City at \$359 per day, and use of this site as an overflow facility also incurs tremendous overtime, transportation and food cost; an alternative must be found, and

WHEREAS, the Courts and the Detention Division have been mandated by New York State to show a reasonable effort to keep children from being ordered into Detention, and

WHEREAS, the Courts have expressed confidence in the electronic monitoring program at a cost of only \$45 a day to comply with this state mandated effort, and

WHEREAS, the Erie County Department of Probation and Youth Detention Services has already purchased the computer hardware needed to expand the electronic monitoring program, and

WHEREAS, funds are available within Account 821 – Dues and Fees of the 2002 adopted Budget of the Division of Youth Detention to fund this position,

NOW THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to create a position of Probation Officer Electronic Monitoring J.G. 11, and be it further

RESOLVED, that the County Executive is hereby authorized to transfer funds to cover the cost of the additional position for the remainder of 2002 as follows:

<u>Admin. Unit</u>	<u>Account</u>	<u>Amount of Change</u>	<u>Net Impact</u>
Youth Detention	821 – Dues & Fees	\$(33,462)	\$(33,462)
Youth Detention	601 – State Aid – Non-Secure Local Youth	(16,731)	16,731
Probation	800 – Personal Services	19,526	19,526
Probation	805 – Fringe Benefits	3,712	3,712
Probation	568 – State Aid – For Prob. Svcs.	6,507	<u>(6,507)</u>
	Net Change	\$ -0-	

and be it further

RESOLVED, that said appropriation be on the condition that the State of New York provide revenues of at least \$6,507 based on a reimbursement schedule of 28% for Probation Services or 65% for prevention services, and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Probation and Youth Detention Services, the Erie County Personnel Department, the County Comptroller, and the Division of Budget, Management and Finance.

(5-0)

4.	Item	Page	-2002	AS AMENDED (Comm. 13E-22)
	COUNTY EXECUTIVE			

WHEREAS, the Erie County Holding Center is currently understaffed, thereby creating scheduling problems requiring Deputy Sheriffs to work mandatory overtime, and

WHEREAS, the previous fiscal year the Holding Center exceeded its overtime budget by approximately two million dollars, and

WHEREAS, positive fiscal results will be achieved by meeting minimum staffing levels required at straight time pay and eliminating overtime required,

NOW, THEREFORE, BE IT

RESOLVED, that twenty-five (25) positions of Deputy Sheriff – Officer, J.G. 8, are hereby created in the budget of the Erie County Holding Center, and be it further,

RESOLVED, that funding for the newly created positions will be funded by the Account of the Division of Jail Management, Holding Center 2002 Budget Acct. 800, and be it further,

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to the County Executive, the Director of Budget, Management and Finance, the Sheriff, the County Comptroller and the Commissioner of Personnel.

(5-0)

5.	Item	Page	-2002	(Comm. 13E-23)
	COUNTY EXECUTIVE			

WHEREAS, an audit of capital project expenditures was recently completed, and

WHEREAS, the recently completed audit of capital projects identified the need to strengthen the County's system of internal controls over capital project expenditures, and

WHEREAS, the County seeks to enhance its system of internal controls with expanded review of capital project expenditures, and

WHEREAS, in order to accomplish this expanded review it is necessary to add a new position to the Comptroller's Office,

NOW, THEREFORE BE IT

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RESOLVED, that the Erie County Legislature does hereby provide authorization to create one position of Administrative Clerk, Job Group 7, in the Comptroller's Office, and be it further,

RESOLVED, that the funds for the new position are available from unexpended personal service appropriations in the Comptroller's 2002 budget, and be it further,

RESOLVED, that certified copies of this resolution be forwarded to County Executive Joel A. Giambra; Comptroller Nancy A. Naples; Joseph Passafiume, Director of Budget, Management, and Finance; and Personnel Commissioner Leonard R. Lenihan.

(5-0)

STEVEN P. McCARVILLE
CHAIRMAN

MR. McCARVILLE moved the approval of the resolution. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 21 – MR. WEINSTEIN presented the following resolution and moved for immediate consideration. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 300

June 27, 2002

REGIONALISM AD HOC
 COMMITTEE
 REPORT NO. 7

ALL MEMBERS PRESENT.

1. RESOLVED, that the following item is hereby received and filed.

	Item	Page	-2002	(Comm. 13M-7)
a.	NYPA: Copy of Letter to FERC Re: Request to Utilize Alt Licensing Procedures.			
	(5-0)			

2.	Item	page	-2002	(Comm. 13E-17)
	COUNTY EXECUTIVE			

WHEREAS, it is in the public interest for government entities to obtain goods and services, of maximum quality, at the most economical price and;

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WHEREAS, by participating in a multi-county cooperative purchasing agreement, both Erie and Wyoming Counties would benefit from a program designed to purchase those items that are in common use under the umbrella of a cooperative bidding policy, and;

WHEREAS, Article 5-G of the New York State General Municipal Law authorizes municipal corporations to enter into cooperative agreements for the performance of those functions or activities in which they could engage individually and;

WHEREAS, Section 119-N of the New York State General Municipal Law defines the term "Municipal Corporation" as including a County, City, Town, Village, School District and Board of Cooperative Educational Services and;

WHEREAS, the inter-municipal purchasing agreement between Erie and Wyoming Counties is proposed to foster similar joint municipal initiatives and;

WHEREAS, Erie and Wyoming Counties agree to utilize, wherever it is to the financial advantage of each county, a cooperative use of each County's competitively awarded bids and;

WHEREAS, neither Erie or Wyoming County would be bound to any greater degree than at present, when bids are taken, and would include said entities in selected bid specifications thereby affording each the opportunity for cost savings at no additional cost burden, and;

WHEREAS, under this agreement it is understood and agreed that each participating county will make its own separate purchasing agreement with selected bidders and that each county shall only be liable to a successful bidder for materials/supplies/services contracted by that county, without any liability for purchases contracted for by the other county and each bid winner shall be required to bill each participating County directly for purchases contracted for by that county and;

WHEREAS, it is further understood that in the event of any dispute between participating counties and an individual bid winner, arising after a contract of purchase has been executed, such dispute shall be handled by and between the affected parties, with said parties holding harmless the other county in the agreement and;

WHEREAS, the specifications, as prepared by either Erie or Wyoming County and made available to each other, under this agreement, shall be accepted for purchase at the lowest responsible bid price and;

WHEREAS, each county has the right to reject all or part of the designated recommendation for the local bid award and;

WHEREAS, each county shall have the option to take financial advantage of each other's bids, but not be required, in any manner, to be bound by the award and its terms, and;

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WHEREAS, the invitation to bid and pertinent specifications will be advertised in the Buffalo News in accordance with the requisite provisions of Section #103 of the New York State General Municipal Law, and;

WHEREAS, New York State General Municipal Law sets forth the policies and procedures that govern all municipal purchasing practices, those regulations in their entirety will be incorporated in all such inter-municipal agreements, and;

NOW, THEREFORE, BE IT

RESOLVED, that Erie County hereby agrees to participate in cooperative bidding initiatives with Wyoming County for the acquisition of commodities and services requested and approved by the appropriate fiscal officer of Erie County.

AND BE IT FURTHER

RESOLVED, the Erie County Legislature authorizes the County Executive to enter into an inter-municipal agreement, with Wyoming County, for the purpose of accruing cost savings by utilizing “economies of scale” in joint purchasing initiatives.

AND BE IT FURTHER

RESOLVED, such agreement shall be considered automatically annually renewable unless or until the Erie County Legislature determines to revoke this authorization at the end of the contract’s expiration.

AND BE IT FURTHER,

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Division of Purchase, the Director of Budget, Management and Finance, the County Comptroller, and the Department of Law.

(5-0)

BARRY A. WEINSTEIN
CHAIRMAN

MR. WEINSTEIN moved the approval of the resolution. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS

Item 22 – MS. CUSACK presented the following resolution and moved for immediate consideration. MR. WEINSTEIN seconded.

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 301

Re: In Support of ECC RN Program Grant
Application to Alleviate RN Shortage.
(Intro. 14-1)

A RESOLUTION SUBMITTED BY LEGISLATORS CUSACK, WEINSTEIN, GREENAN,
RANZENHOFER, CHASE, McCARVILLE, DeBENEDETTI & LARSON

WHEREAS, national and statewide projections predict a severe nursing shortage in the near future, and

WHEREAS, as stated in the New York State publication, "The Update-Fall 2001" by Joanna Duncan-Poitier, Deputy Commissioner for the Professions, the national survey of registered nurses projected that 2.6 million full time, practicing RNs will be needed nationally by the year 2005, and

WHEREAS, locally, the Erie County Medical Center, Erie County Home and all private hospitals are experiencing severe nursing shortages that mirror the national statistical trends, and

WHEREAS, this crisis is further affected by an aging workforce where the average age of registered nurses in New York State is 47 – two years older than the national average and only two years below the average retirement age, and

WHEREAS, both factors will result in a serious shortage of RNs in New York State, especially in Erie County, and

WHEREAS, in 2001 and 2002, utilizing a \$25,000 grant from Erie County, the ECC Registered Nurse Program began to recruit students from the general student population at the college to bring them into the nursing program, and

WHEREAS, the Erie Community College Registered Nurse Program is applying for grant funds allocated by the New York State Department of Health and Labor Grant Funds under the Health Workforce Retraining Initiative to train and/ retrain health industry workers as registered nurses, and

WHEREAS, by obtaining these additional grant monies from New York State, the ECC Registered Nurse Program will be able to provide tuition, books and compensation for two days off per week for Erie County employees at the Erie County Medical Center and Erie County Home and Infirmary to advance their studies to become registered nurses, and

WHEREAS, by developing a program using these state funds will provide Erie County employees at the Erie County Medical Center and Erie County Home the opportunity to become registered nurses and will alleviate the current and future registered nursing shortage.

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NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body is dedicated to improving the healthcare system in Western New York and recruiting new registered nurses as an integral component to providing top quality medical care, and further be it

RESOLVED, the Erie County Legislature is wholeheartedly in support of the Erie Community College Registered Nurse Program grant application to the New York State Department of Health and Labor Grant Funds under the Health Workforce Retraining Initiative, to obtain funds to retrain ECMC and Erie County Home employees to become registered nurses, and further be it

RESOLVED, that a certified copy of this resolution be forwarded to Erie County Executive Joel A. Giambra, Budget Director Joseph Passafiume, Sheila Kee, Erie County Medical Center, President William Mariani, Erie Community College, Dr. Therese M. Ranne, Erie Community College, Head of Nursing, Brad Rybczynski, Clerk, Community Enrichment Committee and the Western New York State Delegation to the Assembly and Senate.

Financial Impact: None for the resolution

MS. CUSACK moved to amend the resolution to include ET AL Sponsorship. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

MS. CUSACK moved the approval of the resolution as amended. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

Item 23 – CHAIRMAN DeBENEDETTI directed the following resolution to be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 14-2 From LEGISLATOR MARINELLI Re: Studying a Redistribution of the Eighth % Sales Tax for Buffalo, Lackawanna & Tonawanda & Distribution Disparity of Towns, Villages & School Dists.

Item 24 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 302

Re: Requesting that US Court of Appeals, 9th
Circuit Reconsider Declaring Pledge of
Allegiance Unconstitutional. (Intro. 14-3)

A RESOLUTION SUBMITTED BY LEGISLATORS GREENAN, DeBENEDETTI,
RANZENHOFER, LARSON, CHASE, WEINSTEIN, McCARVILLE, CUSACK, SWANICK,
KUWIK, MARINELLI, SCHROEDER, DALE, PEOPLES & HOLT

WHEREAS, the Pledge of Allegiance has been a part of this country's history and ceremony for well over a century, and

WHEREAS, the Pledge of Allegiance is a regularly scheduled item on the agenda of the Erie County Legislature's session day, and

WHEREAS, the Pledge of Allegiance states in whole: "I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all", and

WHEREAS, the urgency and importance of the Pledge of Allegiance has never been more important than today in light of the events of September 11, 2001, and

WHEREAS, the United States Court of Appeals, 9th Circuit ruled on June 26, 2002 that the Pledge of Allegiance, as recited in public schools, is unconstitutional due to the phrase "under God" as inserted by Congress in 1954, and

WHEREAS, the ruling, if allowed to stand, would mean that schoolchildren could no longer recite the pledge in school as currently structured in the nine Western states - Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon and Washington State - covered by the court, and

WHEREAS, in dissent, Circuit Judge Ferdinand F. Fernandez, warned that, under the theory of the Constitution thrust for by the court, "we will soon find ourselves prohibited from using our album of patriotic songs in many public settings", and

WHEREAS, the ruling does not take effect for several months, to allow for further appeals, and

WHEREAS, this ruling has received unprecedented criticism by our government officials and the citizenry of the United States of America,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby registers its distaste and disagreement with this ruling on the Pledge of Allegiance by the Court of Appeals, 9th Circuit, and be it further

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RESOLVED, that the Erie County Legislature urges the Court of Appeals, 9th Circuit to revisit and reconsider the ruling, and be it further

RESOLVED, that the Erie County Legislature urges the United States Supreme Court to consider this case should the Court of Appeals, 9th Circuit fail to change its decision, and be it further

RESOLVED, that the Erie County Legislature urges our federal officials (President Bush, Attorney General Ashcroft, and members of the U.S. Congress) to take all steps necessary to insure the integrity of the Pledge of Allegiance, and be further

RESOLVED, that certified copies of this resolution be sent to President Bush, the U.S. Department of Justice, the WNY delegation to the House of Representatives, and U.S. Senators Schumer and Clinton.

Fiscal Impact: NONE

MR. GREENAN moved to amend the resolution to include ET AL Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MR. GREENAN moved the approval of the resolution as amended. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 25 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 303

Re: Restoring Funding for Summer Prime Time.
(Intro. 14-4)

A RESOLUTION SUBMITTED BY LEGISLATORS DeBENEDETTI, GREENAN,
McCARVILLE, WEINSTEIN, CUSACK, CHASE, LARSON & RANZENHOFER

WHEREAS, In years past, Operation Prime Time has been able to provide quality youth programming through out the summer, thereby ensuring the safety of countless children in the City of Buffalo, and

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WHEREAS, Operation Prime Time has historically been funding through discretionary funding from individual Legislators in this Honorable Body, and

WHEREAS, funding levels for Prime Time were greatly reduced for 2002 summer programming, which has severely limited its ability to provide these important youth services, and

WHEREAS, members of this Honorable Body wish to help restore funding to Prime Time by transferring unused funds from the Legislature’s Personal Services account to the Boys and Girls Club of Buffalo for use by Operation Prim Time, and

WHEREAS, by not filling all of positions allocated to the Legislature’s Personal Services budget, surplus funds are available that could be used to save these important youth programs, and

WHEREAS, the Legislature must pass an enabling resolution such as this to effect transfer of funds to the Boys and Girls Club of Buffalo/Operation Prime Time, and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$100,000 from the Legislature – Personal Services Fund (110905100800) to Fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services, (DAC:110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Boys & Girls Club/Operation Prime Time (Summer youth programming)	830/1405	\$100,000
TOTAL		\$100,000

and be it further

RESOLVED, that the Erie County Executive is hereby authorized to enter into contract with the agency cited, and be it further

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph A. Passafiume; Kelly Brown – First Administrative Assistant Erie County Legislature; First Assistant County Attorney Susannah M. Bochenek;

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Fiscal Impact: Appropriation of 2002-budgeted funds

MR. GREENAN moved to amend the resolution to include ET AL Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MR. GREENAN moved the approval of the resolution as amended. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 26 – CHAIRMAN DeBENEDETTI directed the following resolution to be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Intro. 14-5 From LEGISLATOR PEOPLES Re: Support for Neighborhood Reinvestment Act 2002.

Item 27 – MS. CHASE presented the following resolution and moved for immediate consideration. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 304

Re: Seeking Federal Support for the National Children's Literacy Project. (Intro. 14-6)

A RESOLUTION SUBMITTED BY LEGISLATORS CHASE, CUSACK, DeBENEDETTI, RANZENHOFER, McCARVILLE, WEINSTEIN, GREENAN, LARSON, PEOPLES, HOLT, KUWIK, DUSZA & SWANICK

WHEREAS, the National Children's Literacy Project is a 501c3 not-for-profit organization established in August, 2000 and is dedicated to helping build a nation of enthusiastic and confident young readers and writers, and

WHEREAS, the National Children's Literacy Project is dedicated to advancing the literacy skills of children and has submitted a \$1 million appropriations funding request to Senators Hillary Rodham Clinton, Charles Schumer and Congressman Jack Quinn, and

WHEREAS, the National Children's Literacy Project has received the active support of national and local educators and has made a significant impact in the battle against illiteracy, and

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WHEREAS, the National Children's Literacy Project's flagship initiative is Kids Courier, a free children's newspaper published in partnership with school districts for their elementary school students, and

WHEREAS, school districts across the country have received their own "local" edition of Kids Courier for their students and the paper includes eight "national" pages of colorful age-appropriate articles and skill building activities, as well as four pages of student work authored solely by that school district's students, and

WHEREAS, the National Children's Literacy Project previously provided a total of 543,600 copies of Kids Courier to schools across the country and a copy of the Kids Courier National Circulation Report has been provided to members of the Congressional Delegation, and

WHEREAS, the National Assessment of Educational Progress 1998 Reading Report Card stated that 38 percent of the nation's fourth graders read below the basic level and nearly 70 percent of inner city fourth graders are unable to read at a basic level, and

WHEREAS, the American taxpayers spent \$300 billion due to the deleterious impact of adult illiteracy and inferior literacy skills cost American businesses an estimated \$200 billion, and

WHEREAS, America needs to put an end to this vicious cycle of illiteracy in future generations by empowering today's children with proficient literacy skills, and

WHEREAS, families, educators and school districts across the country desperately need access to resources that encourage every child to read so that "no child is left behind,"

WHEREAS, approximately 75 percent of the students served by the National Children's Literacy Project attend inner city schools, one in five is below the poverty level, and 70 percent of the Kids Courier readers take the newspaper home to share with their parents and siblings, enriching the at-home literacy experience.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby affirm its commitment to the National Children's Literacy Project as a 501c3 not-for-profit organization which is dedicated to advancing the literacy skills of children, as well as helping families and educators create a nation of enthusiastic and confident young readers and writers, and further be it,

RESOLVED, that this Honorable Body does hereby strongly urge the United States Congress to approve the National Children's Literacy Project's request for \$1 million in federal funds in order to continue the distribution of the Kids Courier program *free of charge* to school children across the country and to promote the literacy to children and parents in underprivileged areas, and further be it,

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RESOLVED, that certified copies of this resolution be sent to United States Senators Charles Schumer and Hillary Rodham Clinton, Congressman Jack Quinn, and Eli Mundy & Associates, Ltd, P.O. Box 333, Colden, NY 14033.

Fiscal Impact: None for resolution.

MS. CHASE moved the approval of the resolution. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 28 – MS. CUSACK presented the following resolution and moved for immediate consideration. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 305

Re: Funding for Various Community Groups.
 (Intro. 14-7)

A RESOLUTION SUBMITTED BY LEGISLATOR CUSACK

WHEREAS, the Legislature set aside funds in the 2002 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, this funding may be provided by the County of Erie to local community organizations and agencies for the purposes of assisting our youth or senior citizens, and to assist in crime fighting, emergency services, or other types of neighborhood-based service delivery, and

WHEREAS, the Legislature must pass an enabling resolution such as this to effect transfer of funds,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$21,500 the Legislature – Contractual fund (110905100830) to fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services, (DAC:110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Community Action Partnership For Healthy Lifestyles <i>(Training teachers in the Cheektowaga area in substance abuse and violence prevention)</i>	830/1046	\$2,500
W.N.Y Stop Red Light Running Foundation	830/1581	\$2,000

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(Marketing to increase public awareness)

Cheektowaga Senior Center <i>(Exercise Bikes)</i>	830/0255	\$2,000
Amherst Senior Center <i>(Equipment for health resource room)</i>	830/1164	\$5,000
Harlem Kensington Cleveland Community Association <i>(Flag poles and installation)</i>	830/1362	\$2,500
Cantalician Center-North <i>(Funding for a fence)</i>	830/0124	\$2,500
Egbertsville/Snyder Library	830/	\$5,000
TOTAL		\$21,500

and be it further

RESOLVED, that the Erie County Executive is hereby authorized to enter into contract the agency cited, and be it further

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph A. Passafiume; Kelly Brown – First Administrative Assistant Erie County Legislature; First Assistant County Attorney Susannah M. Bochenek; Margaret Varga, Executive Director; Community Action Partnership for Healthy Lifestyles, Inc. (3409 Genesee Street, Cheektowaga, NY 14225); Victor Viglioli, WNY Stop Red Light Running Foundation (9 St. Charles Court, Williamsville, NY 14221); Pat Wojcik, Cheektowaga Senior Center (3349 Broadway & Union Roads, Cheektowaga, NY 14227); Mary Ellen Walsh, Amherst Senior Center (370 John James Audubon Parkway, Amherst, NY 14229); Tom Schratz, Harlem Kensington Cleveland Community Association (3908 Harlem Road, # 230, Amherst, NY 14226-4702); Sister Mary Patricia, Cantalician Center – North (1360 Eggert Road, Eggertsville, NY 14226); Mary Bobinski, Eggertsville/Snyder Library, (4622 Main Street, Amherst, NY 14226-4702).

Fiscal Impact: Appropriation of 2002-budgeted funds

MS. CUSACK moved the approval of the resolution. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 29 – MR. WEINSTEIN presented the following resolution and moved for immediate consideration. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 306

Re: Funding for Local Youth Group.
 (Intro. 14-8)

A RESOLUTION SUBMITTED BY LEGISLATOR WEINSTEIN

WHEREAS, the Legislature set aside funds in the 2002 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, this funding may be provided by the County of Erie to local community organizations and agencies for the purposes of assisting our youth or senior citizens, and to assist in crime fighting, emergency services, or other types of neighborhood-based service delivery, and

WHEREAS, the Legislature must pass an enabling resolution such as this to effect transfer of funds,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$3,000 the Legislature – Contractual fund (110905100830) to fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services, (DAC:110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Amherst Girls Softball League <i>(Uniforms and Equipment)</i>	830/0932	\$3,000
TOTAL		\$3,000

and be it further

RESOLVED, that the Erie County Executive is hereby authorized to enter into contract the agency cited, and be it further

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RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph A. Passafiume; Kelly Brown – First Administrative Assistant Erie County Legislature; First Assistant County Attorney Susannah M. Bochenek; Mary Jo Narby, Amherst Girls Softball League (40 Markley Drive, Gettsville, NY 14068).

Fiscal Impact: Appropriation of 2002-budgeted funds

MR. WEINSTEIN moved to amend the resolution. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

- **DELETE** the First **RESOLVED** Clause in its entirety and **REPLACE** with:

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$13,430 the Legislature – Contractual fund (110905100830) to fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services, (DAC:110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Amherst Girls Softball League <i>(Uniforms and Equipment)</i>	830/0932	\$3,000
Clarence Concert Association <i>(Community Concert Series)</i>	830/1273	\$5,000
UBAM (U.B. Amherst Swimming) <i>(Equipment and training)</i>	830/1125	\$5,000
Akron Police Department <i>(Camera)</i>	830/1367	\$430
TOTAL		\$13,430

- **DELETE** the Third and Fourth **RESOLVED** Clauses in their entirety and **REPLACE** with:

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$1,200 from the Legislature – Contractual Expense (DAC: 110905100830) to General Fund, Interfund Transfers, Interfund-Library (DAC 1109253208864200), and be it further

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RESOLVED, that the Erie County Library Budget is hereby amended, to increase the following account: Interfund-Subsidy revenue (DAC 8209734206863200) \$1,200, and be it further

RESOLVED, that the Erie County Library Budget is hereby amended, to increase the following account by \$1,200: Newstead Public Library (Denio Memorial Akron) (8209734208300154), and be it further

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph A. Passafiume; Kelly Brown – First Administrative Assistant Erie County Legislature; First Assistant County Attorney Susannah M. Bochenek; Mary Jo Narby, Amherst Girls Softball League (40 Markley Drive, Gettsville, NY 14068); Clarence Concert Association; ABAM – UB Amherst Swimming; Village of Akron Police Department; and to Newstead Public Library.

Fiscal Impact: Appropriation of 2002- budgeted funds

MR. WEINSTEIN moved the approval of the resolution as amended. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 30 – MS. CHASE presented the following resolution and moved for immediate consideration. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 307

Re: Funding for Various Community Groups.
(Intro. 14-9)

A RESOLUTION SUBMITTED BY LEGISLATOR CHASE

WHEREAS, the Legislature set aside funds in the 2002 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, this funding may be provided by the County of Erie to local community organizations and agencies for the purposes of assisting our youth or senior citizens, and to assist in crime fighting, emergency services, or other types of neighborhood-based service delivery, and

WHEREAS, the Legislature must pass an enabling resolution such as this to effect transfer of funds,

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NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$12,020 from the Legislature – Contractual fund (110905100830) to fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services, (DAC:110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Cradle Beach Camp <i>(Sponsorship of 5 children for summer camp)</i>	830/	\$2,500
East Eden VFD <i>(Fire safety and communication equipment)</i>	830/1314	\$2,170
Town of Eden <i>(Corn festival utility costs)</i>	830/1242	\$2,500
Great Lakes Beach Sweep <i>(Paper supplies, postage/mailings to recruit volunteers to clean up shores of Lake Erie)</i>	830/	\$250
Traffic Safety Board (Erie County) <i>(Operating expenses – fees, printing)</i>	830/	\$4,600
TOTAL		\$12,020

and be it further

RESOLVED, that the Erie County Executive is hereby authorized to enter into contract the agency cited, and be it further

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph A. Passafiume; Kelly Brown – First Administrative Assistant Erie County Legislature; First Assistant County Attorney Susannah M. Bochenek; Timothy Boling, Executive Director, Cradle Beach Camp (8038 Old Lakeshore Road, Angola, NY 14006); Jim Bulger, East Eden Volunteer Fire Department (4274 Mary Drive, Eden, NY 14057); Jim Bulger, Town of Eden Corn Festival (4274 Mary Drive, Eden, NY 14057); Sharen Trembath, Lake Erie Coordinator, Great Lakes Beach Sweep (466 Alfred Drive, Angola, NY

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14006); John F. Sullivan, STOP DWI Coordinator, Traffic Safety Board (134 W. Eagle Street, Buffalo, NY 14201-3804).

Fiscal Impact: Appropriation of 2002-budgeted funds

MS. CHASE moved the approval of the resolution. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 31 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 308

Re: Transfer of V-Fire Funds. (Intro. 14-10)

A RESOLUTION SUBMITTED BY LEGISLATORS GREENAN, RANZENHOFER,
 WEINSTEIN, CHASE, McCARVILLE, LARSON & CUSACK

WHEREAS, the Legislature set aside funds in the 2002 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, during the April 11, 2002 session of the Erie County Legislature, \$32,500 was approved to be transferred to Project V-FIRE, and

WHEREAS, the funds for this project need to be re-allocated to the appropriate account, and

WHEREAS, the Legislature must pass an enabling resolution such as this to effect transfer of funds,

NOW, THEREFORE, BE IT

RESOLVED that the Erie County Legislature does hereby approve the transfer of \$32,500 from Fund 110, Project 929, Department 430 Community College (DAC: 1109294308864300) to Fund 110, Project 935, Department 670, (DAC: 1109356708804300) Interfund Exp Non-Sub Erie Community College, and be it further

RESOLVED, that the Erie County Executive is hereby authorized to enter into contract with the agency cited, and be it further

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance and Erie Community College are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

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RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; William Mariani – President of Erie Community College; Greg Gach – Erie Community College Controller’s Office; Budget Director Joseph A. Passafiume; Kelly Brown – First Administrative Assistant Erie County Legislature; and First Assistant County Attorney Susannah M. Bochenek.

Fiscal Impact: Re-appropriation of 2002-budgeted funds.

MR. GREENAN moved the approval of the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 32 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 309

Re: Appointment to EC Audit Committee.
(Intro. 14-11)

A RESOLUTION SUBMITTED BY LEGISLATORS DeBENEDETTI, GREENAN &
SWANICK

WHEREAS, the Erie County Bar Association (ECBA) member’s term on the Erie County Audit Committee has expired, and

WHEREAS, pursuant to applicable law, Audit Committee members have received nominations for a representative of the legal community from the ECBA, and

WHEREAS, following a review of the qualifications of each nominee, pursuant to applicable law, the Erie County Audit Committee has recommended that the Erie County Legislature appoint Carmen J. Pino to serve as a member of the Erie County Audit Committee.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby appoint Carmen J. Pino, 38 Koster Row, Amherst, New York 14226 to serve as a member of the Erie County Audit Committee as a representative of the legal community, and be it further

RESOLVED, that said appointment will be for three years, effective June 25, 2002 and will expire June 24, 2005, and be it further

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RESOLVED, that certified copies of this resolution be sent to County Executive Joel Giambra, Comptroller Nancy A. Naples, James R. Liddle, Secretary of the Audit Committee, and to Carmen J. Pino.

FISCAL IMPACT: NONE FOR RESOLUTION

MR. GREENAN moved the approval of the resolution. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 33 – MS. CUSACK moved to discharge the COMMUNITY ENRICHMENT COMMITTEE from further consideration of Comm. 13E-5. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 310

Re: 2002-2003 ECC Tentative Budget.

***** The full text of Comm. 13E-5 can be found in the original documents for Meeting #13 (2002).

MS. CUSACK moved to amend the resolution. MR. GREENAN seconded.

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

AYES: DALE, KUWIK, CHASE, CUSACK, DeBENEDETTI, GREENAN, LARSON, McCARVILLE, RANZENHOFER & WEINSTEIN. NOES: DUSZA, FISHER, HOLT, MARINELLI, PEOPLES & SCHROEDER.

CARRIED. (WEIGHTED VOTE: 10.408 – 5.550)

RESOLVED, that the Erie Community College budget for the fiscal year commencing September 1, 2002 and ending August 31, 2003, in the amount of \$66,169,671.00 with a sponsor contribution of \$15,429,317.00, is hereby approved as amended.

MS. CUSACK moved the approval of the resolution as amended. MR. GREENAN seconded.

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

AYES: DALE, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, PEOPLES, SCHROEDER, CHASE, CUSACK, DeBENEDETTI, GREENAN, LARSON, McCARVILLE, RANZENHOFER & WEINSTEIN.

CARRIED UNANIMOUSLY.

Item 34 – MR. McCARVILLE moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of Comm. 4E-21. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 311

Re: Open Item – Erie County ERP Project
Authorization to Enter Into Contract.

MR. McCARVILLE moved to amend the resolution. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

WHEREAS, the County is in need of having its financial and human resource software upgraded to enhance the efficiency and effectiveness of county government, and

WHEREAS, the County ERP project team followed county procedures in developing, advertising and reviewing requests for proposals (RFP) for an ERP software solution provider, and

WHEREAS, the Project Team reviewed, scored, and ranked the top five software vendor proposals, and

WHEREAS, after viewing software demonstrations from the top three vendors, conducting reference checks, research and team discussion, the unanimous recommendation of the team is the software vendor SAP America Inc., and

WHEREAS, in order to assist the County with the ERP implementation, the services of a qualified consultant with expertise in the field of Enterprise Resource Planning (ERP) project management is essential to the success of the project, to provide technical assistance, change management, employee training and business process reengineering and implementation, and

WHEREAS, your Honorable Body has already authorized contracting with PricewaterhouseCoopers LLP, and their local partner, Globalquest, for Phase One of the ERP project, and

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WHEREAS, the Project Team recommends that authorization be provided to extend the contract of said consultant for the final phase of the project, and

WHEREAS, the County ERP Project Executive Review Committee has approved these recommendations, and

WHEREAS, the Erie County Division of Information and Support Services (DISS) as presently staffed is unable to properly provide the level of technical support necessary for the new ERP Project, making it essential to request additional personnel,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract with SAP America Inc., in an amount not to exceed \$1,450,000 for the purchase and installation of an ERP software application, SAP training and maintenance will be treated as separate items, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contract with PricewaterhouseCoopers LLP, and their local partner, Globalquest, in an amount not to exceed \$6,900,000 for the final phase of the ERP project which includes all tasks necessary to "go live" with the ERP software application, and be it further

RESOLVED, that funding for said contract will be made available in the ERP Capital Budget through the issuance of bonds of the County of Erie, in the amount of \$12,000,000, submitted to this body in a separate resolution, and be it further

RESOLVED, that continuation of the ERP project and signing of these contracts will be contingent upon approval of said bond resolution, and be it further

RESOLVED, that authorization is provided to add the position of one ERP System Administrator, Job Group 15, one Information Security Specialist, Job Group 14, one ERP Training Coordinator, Job Group 13, one ERP Network Specialist, Job Group 12, and two part time ERP Analysts, Job Group 14, in the budget of the ERP project under the direction of the Director of Information and Support Services, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Attorney, Director of Information and Support Services, the Director of Purchasing, the Commissioner of Personnel, the County Comptroller and the Director of Budget, Management and Finance.

MR. McCARVILLE moved the approval of the resolution as amended. MR. GREENAN seconded.

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CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

AYES: DALE, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, PEOPLES, SCHROEDER, CHASE, CUSACK, DeBENEDETTI, GREENAN, LARSON, McCARVILLE, RANZENHOFER & WEINSTEIN.

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 35 – MR. GREENAN moved for a suspension of the rules to include an item not on the agenda. MR. RANZENHOFER seconded.

GRANTED.

Comm. 14E-83 From LEGISLATOR GREENAN Re: Re-appointment to the Board of Directors of the Erie County Assigned Counsel Program.

RECEIVED, FILED & PRINTED.

July 1, 2002

Laurie A. Manzella
Clerk
Erie County Legislature
25 Delaware Ave.
Buffalo, New York 14202

Dear Ms. Manzella:

As Majority Leader of the Erie County Legislature, I am honored to re-appoint Emily Freeman Washington, Esq. to the Board of Directors of the Erie County Assigned Counsel Program.

Ms. Washington was first appointed three years ago and her support and legal experience has been a valuable asset to the Board. We appreciate her willingness to remain a part of the Assigned Counsel Program.

If there are any questions, please do not hesitate to call me at my district office.

Sincerely,

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Majority Leader John W. Greenan
 9th Legislative District

JWG:rljs

Cc: Emily Freeman Washington, Esq.
 Erie County Assigned Counsel Program

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 36 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 312

Re: Reappointments to EC Commission on the Status of Women. (Comm. 14E-1)

RESOLVED, that the Erie County Legislature does hereby confirm the reappointment of the following individuals to the Erie County Commission on the Status of Women for the term stated:

NAME & ADDRESS	TERM EXPIRATION
Honorable Margaret A. Murphy Buffalo City Court Judge 50 Delaware Avenue Buffalo, NY 14202	June 30, 2005
Marianne Hanley 150 Dorchester Road Buffalo, NY 14213	June 30, 2005
Gloria Lucker Optimal Therapy Associate Services 2495 Main Street, Suite 355 Buffalo, NY 14214	June 30, 2005
Sheila Murphy 965 Jewett Holmwood Road East Aurora, NY 14052	June 30, 2005

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Fabiola Friot
 158 Godfrey Terrace
 East Aurora, NY 14052

June 30, 2005

MR. GREENAN moved the approval of the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

FROM LEGISLATOR SWANICK

Item 37 – (Comm. 14E-2) Letter to Legislature Parliamentarian Re: Legal Opinion Concerning Actions at Meeting No. 13 (2002).

Received and filed.

FROM THE COMPTROLLER

Item 38 – (Comm. 14E-3) Audited Financial Statements for ECMC – Fiscal Year Ending 12/31/01.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 39 – (Comm. 14E-4) Apportionment & Distribution of 4% Sales Tax Received by County from NYS for June.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 40 – (Comm. 14E-5) Appointments to Senior Services Advisory Board.

RECEIVED, FILED & PRINTED.

June 27, 2002

The Honorable Erie County Legislature
 25 Delaware Avenue
 Buffalo, NY 14202

Re: Appointments to Senior Services Advisory Board

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Dear Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Erie County Administrative Code Section 11-E-03, do hereby appoint the following individuals to the Senior Services advisory Board, for the term ending December 31, 2003.

Leonard Sikora
100 Treehaven Lane
Elma, NY 14059

Arta Davis
290 Bellingham Drive
Williamsville, NY 14221

Respectfully submitted,

JOEL A. GIAMBRA
ERIE COUNTY EXECUTIVE

JAG:bmc

cc: Appointees

Commissioner Pamela Krawczyk

FROM LEGISLATOR FISHER

Item 41 – (Comm. 14E-6) Copy of Letter to Chairman DeBenedetti Re: Erie County Clean Air Act Review Committee.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM LEGISLATOR SWANICK

Item 42 – (Comm. 14E-7) Letter to Clerk of Legislature Re: Absence from Session & Designation of Crystal Peoples as Interim Minority Leader.

RECEIVED, FILED & PRINTED.

July 3, 2002

The Honorable Laurie A. Manzella
Clerk
Erie County Legislature

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25 Delaware Ave., 7th Floor
 Buffalo, NY 14202

Dear Madam Clerk:

Because of my recent call to active duty in the United States Army Reserves, I will be forced to be absent from at least one, and possibly both, regular sessions of the Erie County Legislature.

Please be advised that I have designated Legislator Crystal D. Peoples to serve as interim Minority Leader during my absence.

Very truly yours,

CHARLES M. SWANICK
 Minority Leader

c: All Members, Democratic Caucus

FROM THE COUNTY EXECUTIVE

Item 43 – (Comm. 14E-8) Purchase of 372 Michigan Avenue.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 44 – (Comm. 14E-9) MOU & Funding for Erie Canal Harbor Project.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 45 – (Comm. 14E-10) Agreement with Niagara County Re: Framework for Regional Growth.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 46 – (Comm. 14E-11) Granting NYSDOT Transfer of EC Property – Broadway, Town of Cheektowaga (Depew).

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 47 – (Comm. 14E-12) Transfer of County Owned Inventory – Fox Street, Town of Brant.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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Item 48 – (Comm. 14E-13) Granting NYSDOT Transfer of EC Property – Broadway, Town of Cheektowaga (Depew).

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 49 – (Comm. 14E-14) Sale of County Owned Inventory – 6 Flint Road, Town of Amherst.

Item 50 – (Comm. 14E-15) Sale of County Owned Inventory – Whitehaven Road, Town of Grand Island.

Item 51 – (Comm. 14E-16) Sale of County Owned Inventory – Sycamore, Towns of Evans.

Item 52 – (Comm. 14E-17) Sale of County Owned Inventory – Steiner Road, Town of Newstead.

Item 53 – (Comm. 14E-18) Sale of County Owned Inventory – Glen Avon Road, Town of Grand Island.

The above five items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 54 – (Comm. 14E-19) ECMC – Blood Bank Relocation (for Information Only).

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 55 – (Comm. 14E-20) Institutional Energy Services Performance Contracting Program – Services by C J Brown.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 56 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 313

Re: County Funding for Operation Prime Time Summer Initiative Program. (Comm. 14E-21)

WHEREAS, the Operation Prime Time Summer Initiative Program is a very effective means of providing constructive activities for youth during the summer months, and

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WHEREAS, county funding for this program in the amount of \$100,000 can be made available through the appropriation of unanticipated revenues from two accounts, the annual budgets in these accounts having been realized,

NOW, THEREFORE, BE IT

RESOLVED, that the sum of \$100,000 is hereby appropriated to Operation Prime Time in the budget of the Youth Bureau (DAC 110 946250830920), the source of funds being unanticipated revenues in DAC 110 908210501, Forfeiture of Deposits – Land Sales in the amount of \$92,330 and \$7,670 in DAC 110 923310301, Section 520 Exemption Removal Revenue, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into and execute any applications, contracts included therein, and amendments with the Boys and Girls Club of Buffalo, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of Probation and Youth Detention Services, the Deputy Commissioner of Youth Services, the Director of Budget, Management and Finance, the County Comptroller and the County Attorney.

MR. GREENAN moved the approval of the resolution. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

Item 57 – (Comm. 14E-22) Probation – Increase of Petty Cash Fund.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 58 – (Comm. 14E-23) Parks – Fund Transfer for Recreational Events.

Item 59 – (Comm. 14E-24) Tow Path Park – NYS Grant Application.

The above two items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 60 – (Comm. 14E-25) Lackawanna Housing Development Corporation, Southtowns Rural Preservation Co & Southern Tier Environment for Living.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 61 – (Comm. 14E-26) Seneca Bluffs Wetland & Aquatic Habitat Restoration Project – Phase II.

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Item 62 – (Comm. 14E-27) EC Southtowns Sewage Treatment Agency Southtowns Advanced Wastewater Treatment Facility Oxygen Generation System Replacement.

The above two items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 63 – (Comm. 14E-28) Supplemental Agreement with NYSDOT – Hopkins Road, Town of Amherst.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 64 – (Comm. 14E-29) Countywide Fuel Management System – Phase II.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 65 – (Comm. 14E-30) New CPS Public Safety Campus – Phase I – A/E Contract Award.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 66 – (Comm. 14E-31) Supplemental Agreement with NYSDOT – Vaughn Street Bridge, Town of Concord.

Item 67 – (Comm. 14E-32) Increase to Consultant Contract – Intersection Safety Improvements – William & Aurora Streets, Town of Lancaster.

Item 68 – (Comm. 14E-33) Buffalo Convention Center Interior Renovations – Contingency Fund Increase.

Item 69 – (Comm. 14E-34) CNG Fueling Station at ECMC – Sitework – Contract No. 2.

Item 70 – (Comm. 14E-35) Immediate Valve Replacement for ECMC Cooling Re-Commissioning Program – Unanticipated Work.

The above five items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 71 – (Comm. 14E-36) Open Item – New Secure Youth Detention Facility – Bid Package No. 2.

Received and referred to the PUBLIC SAFETY COMMITTEE.

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Item 72 – (Comm. 14E-37) Supplemental Agreement with NYSDOT – Preliminary Engineering, Right-of-Way Incidentals & Right-of-Way Acquisition Phases – E Church St Bridge, Eden.

Item 73 – (Comm. 14E-38) 2002 Contractor Placed Pavement – North – Amherst Paving – Contingency Fund Increase.

The above two items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 74 – (Comm. 14E-39) CPS – Variable Minimum Request.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 75 – (Comm. 14E-40) Funding for Buffalo Niagara Medical Campus Master Planning.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 76 – (Comm. 14E-41) Lackawanna Housing Development Corporation – Energy Conservation Program.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 77 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 314

Re: Summer Cultural Festivals & Arts/Heritage Youth Program. (Comm. 14E-42)

WHEREAS, community-based festivals that will be held in Buffalo and Erie County this summer, which include the 2nd Annual Karibana International Parade and Festival (August 9-11, 2002), and the Hispanic Music Festival 2002 (August 30-September 1, 2002), will enhance our quality of life by providing thousands of our residents and visitors with recreational and cultural opportunities that highlight our distinct ethnic heritage, and such events result in significant economic benefits for the County and region; and

WHEREAS, a summer Arts/Heritage Youth Program which is provided by the Langston Hughes Institute will reach out to hundreds of youth during the summer providing learning activities, traveling exhibits and workshops that focus on the cultural heritage and visual arts related to African-American arts and culture, and by doing such this youth program instills leadership training, and skills development opportunities to guide these youth into the future personally and professionally,

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NOW, THEREFORE BE IT,

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreements to provide funds, as specified below, to the organizations administering funds for these events and project; and be it further

RESOLVED, that funds in the amount of \$17,000 are hereby transferred from the Extraordinary County Aid to Local Governments Regionalism/Economic Development Funds (DAC 1109043038301299) to the following new sub accounts under Contractual Services in department 302, Public Benefit Agencies, as monitored by Environment and Planning:

St. Augustine Community Service Corporation
 2nd Annual Karibana Parade and Festival - \$2,000

Hispanic Law Enforcement Association of WNY
 Hispanic Music Festival 2002 - \$5,000

Langston Hughes Institute
 Summer Arts/Heritage Youth Program - \$10,000

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, County Comptroller, Director of the Division of Budget, Management and Finance, the Commissioner of the Department of Environment and Planning, and the following sponsoring organizations: Otis N. Glover, Chair, Karibana, Festival, c/o St. Augustine Community Service Corporation, 1437 Main St., Buffalo, NY 14209-1732; Ramon Rodriguez, Hispanic Music Festival Coordinator, P. O. Box 1354, Ellicott Station, Buffalo, NY 14205; and Michael Hill, Executive Director, Langston Hughes Institute, 25 High St. Buffalo, NY 14203.

MR. GREENAN moved the approval of the resolution. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

Item 78 – (Comm. 14E-43) ECSD No. 6 – City of Lackawanna – Proposed Property Transfer.

Item 79 – (Comm. 14E-44) ECSD No. 3 – Village of Blasdell – Proposed Agreement.

Item 80 – (Comm. 14E-45) EC/Southtowns Sewage Treatment Agency Village of Blasdell – Proposed Agreement.

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Item 81 – (Comm. 14E-46) ECSD No. 1 – Engineering Service Agreements Work Order: URS-3.

Item 82 – (Comm. 14E-47) ECSD No. 3 – Creekside Sewer Replacement Change Order No. 1 – Tom Greenauer Development.

Item 83 – (Comm. 14E-48) ECSD No. 2 – Construction Inspection Service Agreement Work Order: DG-5.

Item 84 – (Comm. 14E-49) ECSD No. 6/Development Downtown Proposed Agreement – Union Ship Canal Properties.

Item 85 – (Comm. 14E-50) ECSDs & EC/Southtowns Sewage Treatment Agency Energy Performance Contracting – Comprehensive Energy Audits.

Item 86 – (Comm. 14E-51) Funding for Eden Valley Growers Farm Coop Through ECIDA.

The above nine items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 87 – (Comm. 14E-52) Health – Childhood Lead Poisoning Prevention Program – 1/1/01 – 12/31/01.

Item 88 – (Comm. 14E-53) Health – Waiving of Photocopy Fee of Autopsy to Next of Kin.

Item 89 – (Comm. 14E-54) Health – HIV Seroprevalence Study – 7/1/02 – 6/30/03.

Item 90 – (Comm. 14E-55) Health – Adolescent Wellness Program – 7/1/01 – 6/30/02.

Item 91 – (Comm. 14E-56) Health – Dental Office Auxiliary Fee-for-Service Rate.

Item 92 – (Comm. 14E-57) Health – Tobacco Control & Insurance Initiatives Erie Niagara Tobacco Free Coalition Funding Grant – 6/1/02 – 5/31/03.

Item 93 – (Comm. 14E-58) Health – Division of Public Health Lab Agreement.

Item 94 – (Comm. 14E-59) Health – Tuberculosis Elimination Activities Program – 2/1/01 – 8/30/02.

Item 95 – (Comm. 14E-60) Health – Contract with Academic Medicine Service.

Item 96 – (Comm. 14E-61) Health – Healthy Homes Initiative – 2/1/01 – 1/31/04.

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Item 97 – (Comm. 14E-62) Health – A Systems Approach to Reducing Burden of Asthma – 7/1/02 – 6/30/03.

Item 98 – (Comm. 14E-63) Health – Women’s Health Services – 4/1/02 – 3/31/03.

Item 99 – (Comm. 14E-64) Health – Public Health Preparedness / Response to Bioterrorism – 5/1/02 – 8/31/03.

Item 100 – (Comm. 14E-65) Health – Working with Wellness Program Grant – 5/1/01 – 3/31/03.

Item 101 – (Comm. 14E-66) Health – HIV/AIDS Adolescent Peer Educators.

The above fifteen items were received and referred to the HUMAN SERVICES COMMITTEE.

Item 102 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 315

Re: DSS – PINS Services Grant.
 (Comm. 14E-67)

WHEREAS, effective July 1, 2002, New York State law increases the upper age limit at which parents can petition Family Court by filing a Persons In Need of Supervision (PINS) petition to age eighteen, and

WHEREAS, this age increase is expected to have profound impacts to the human service delivery systems that must be addressed due to this fundamental change, and

WHEREAS, the Department, in coordination with the Department of Probation and the Division of Detention, proposes an initial three-component strategy to immediately address the PINS age increase including an Evening Reporting program, a Preventive Respite program and a Family Mediation program for the period July 1, 2002 through December 31, 2002, and

WHEREAS, a more comprehensive program of PINS services will be included in the 2003 County budget, and

WHEREAS, the Boys and Girls Clubs will provide evening reporting services in two locations in collaboration with the Care Management Coalition and the Erie County Department of Probation to better serve the needs of the older PINS population to enhance linkage between service providers and to provide sufficient intervention methods to divert youth from the formal PINS and court system when feasible, and

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WHEREAS, temporary over-night preventive respite will be made available as needed, on a space available basis, at existing group homes, voluntary agency-operated boarding homes and smaller voluntary institutional settings to provide temporary relief for families in crisis, and

WHEREAS, family mediation services will expand an existing successful program to support families and the work of juvenile probation to keep children safe and at home while addressing a multitude of family issues.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services is authorized to accept State and Federal funds in the amount of \$340,221 to provide PINS services for the period July 1, 2002 through December 31, 2002, and be it further

RESOLVED, that the creation of a new PINS Services Grant for these special services is hereby authorized, and be it further

RESOLVED, that local share funds in the amount of \$12,325 are available through the appropriation of unanticipated refunds of prior year expenses, and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2002 Adopted Budget:

Department of Social Services, Department 200, Fund 281

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
830 - xxxx	Boys and Girls Clubs of Buffalo (Evening Reporting)	\$66,000
830 - xxxx	Child and Family Services (Family Mediation)	103,926
830	Contractual Services (Preventive Respite)	<u>182,620</u>
	Total Expenditures	<u>\$352,546</u>
596	State Aid	22,890
649	Federal Aid	317,331
686 - 2000	Interfund - DSS	<u>12,325</u>
	Total Revenues	<u>\$352,546</u>

and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2002 Adopted Budget:

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Department of Social Services, Department 200, Fund 120

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
886 - 2009	Interfund - DSS Grants	<u>\$12,325</u>
	Total Expenditure	<u>\$12,325</u>
511	Refund Prior Year Expenses	<u>\$12,325</u>
	Total Revenue	<u>\$12,325</u>

and be it further

RESOLVED, that because these special services are needed immediately, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived, and be it further

RESOLVED, that the County Executive and/or Commissioner of Social Services is hereby authorized to execute contracts with the Boys and Girls Club of Buffalo for an Evening Reporting program, with Catholic Charities for a Family Mediation program and with child caring agencies to provide Preventive Respite services on an as needed, space available basis, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Commissioner of the Department of Social Services, the Commissioner of the Department of Probation and Youth Detention Services, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.

MR. GREENAN moved the approval of the resolution. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

Item 103 – (Comm. 14E-68) DSS – Salvation Army STRIVE Program.

Item 104 – (Comm. 14E-69) DSS –Transfer of Funds.

Item 105 – (Comm. 14E-70) Senior Services – Authorization to Amend Energy Grant Budgets.

Item 106 – (Comm. 14E-71) Senior Services – Authorization to Amend Congregate Dining Grant Budget.

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Item 107 – (Comm. 14E-72) Senior Services – Authorization to Amend Various Grant Budgets.

The above five items were received and referred to the HUMAN SERVICES COMMITTEE.

Item 108 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 316

Re: Budget – 2001 Year-End Budget Balancing Amendment. (Comm. 14E-73)

WHEREAS, the Division of Budget, Management and Finance, in cooperation with the Erie County Comptroller, and in consultation with the Independent Auditors, Deloitte & Touche, LLP. and departmental accountants, has identified accounts with projected budget deficiencies after year-end closing, and

WHEREAS, budget amendments are required to eliminate the aforementioned deficiencies to properly state the County’s books and prepare financial statements for review by the County’s independent auditors for the 2001 fiscal year, and

WHEREAS, these budget amendments will have no net fiscal impact as funds will be transferred from accounts with available balances to accounts with projected deficiencies or unanticipated revenues will be appropriated, and

WHEREAS, final year-end transactions and accrual entries cannot be processed in the accounting system by the Comptroller for accounts with budget deficiencies until said deficiencies are eliminated through budget amendments.

NOW, THEREFORE, BE IT

RESOLVED, that the Division of Budget, Management and Finance is hereby authorized to amend the budget of the General Fund departments, as specified in the following schedule, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Director of Budget, Management and Finance and the Erie County Comptroller.

2001 YEAR-END BUDGET BALANCING AMENDMENTS

GENERAL FUND

Account/DAC Code:	Description	Debit (Credit) Amount
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120952200843	CWS Expense	\$ 256,140
120993200529	Unanticipated P/Y Revenue	(256,140)
120993220840100	IGT Expense	4,760,405
120993200510100	Intergovernmental Transfer (IGT)	<u>(4,760,405)</u>
Subtotal General Fund		0

MR. GREENAN moved the approval of the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 109 – (Comm. 14E-74) Grant Programs – Authorization to Contract.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 110 – (Comm. 14E-75) District Attorney – Victim/Witness Assistance & Child Advocacy Program Grants.

Item 111 – (Comm. 14E-76) District Attorney – Asset Forfeiture Grant.

The above two items were received and referred to the PUBLIC SAFETY COMMITTEE.

Item 112 – (Comm. 14E-77) Renewal of Cheektowaga Auto Bureau Lease.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 113 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 317

Re: County Funded Internships Within DISS.
 (Comm. 14E-78)

WHEREAS, the Department of Information and Support Services has funds available within the Capital Infrastructure Project; and

WHEREAS, the Department of Information and Support Services to maximize the amount of work to be done on the Infrastructure Project will incorporate the use of student interns into this project; and

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WHEREAS, the use of student interns is not only an effective management tool to be employed by DISS, but also provides area students the valuable opportunity to obtain work experience related to their future career objectives; and

WHEREAS, the Department of Information and Support Services has received requests from area schools to create an internship program; and

WHEREAS, the Department of Information and Support Services and the Department of Personnel will agree upon an hourly rate to compensate student interns which is consistent with overall County policy; and

WHEREAS, it is necessary for the Department of Information and Support Services to enter into an Agreement for Personal Services for each of the student interns.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to enter into the necessary agreements to secure student interns in the year 2002 for the Capital Infrastructure Project in the Department of Information and Support Services, and be it further

RESOLVED, that these Agreements for Personal Services will not exceed \$4000 each and will be funded through the Capital Infrastructure Project in the Department of Information and Support Services, and be it further

RESOLVED, that these Agreements for Personal Services will be funded through the following DAC – 410 266 510 830 (Contractual Services), and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget, Management and Finance; the Commissioner of Personnel; Director of DISS and the County Comptroller.

MR. GREENAN moved to amend the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

DELETE, in its entirety, the second RESOLVE clause, and REPLACE with the following:

RESOLVED, that these Agreements for Personal Services will not exceed \$4000 each and will not exceed \$12,000 for the entire program, and will be funded through the Capital Infrastructure Project in the Department of Information and Support Services, and be it further

MR. GREENAN moved the approval of the resolution as amended. MR. RANZENHOFER seconded.

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CARRIED UNANIMOUSLY.

FROM THE COMPTROLLER

Item 114 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 318

Re: Bond Resolution – \$12,000,000 –
 Acquisition & Installation of Computer
 Software for ERP Project. (Comm. 14E-79)

RESOLUTION NO. ___-2002

BOND RESOLUTION DATED _____, 2002

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE ACQUISITION AND INSTALLATION OF COMPUTER SOFTWARE FOR THE ENTERPRISE RESOURCE PLANNING PROJECT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$12,000,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$12,000,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF.

(Introduced) _____, 2002

(Adopted) _____, 2002

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Erie, New York (herein called "County"), is hereby authorized to acquire and install computer software for the Enterprise Resource Planning ("ERP") project including: (i) implementation consulting, (ii) training, (iii) personnel expense and (iv) first year maintenance. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and to the financing thereof, is \$12,000,000, and said amount is hereby appropriated therefor. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2002 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The plan of financing includes the issuance of \$12,000,000 bonds of the County to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the County in the principal amount of \$12,000,000 are hereby authorized to be issued for the class of objects or purposes described in Section 1 hereof, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

Section 3. The period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 35 of the Law, is five (5) years.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Bond Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of said Local Finance Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, and relative to prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

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(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

MR. GREENAN moved the approval of the resolution. MR. RANZENHOFER seconded.

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

AYES: DALE, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, PEOPLES, SCHROEDER, CHASE, CUSACK, DeBENEDETTI, GREENAN, LARSON, McCARVILLE, RANZENHOFER & WEINSTEIN.

CARRIED UNANIMOUSLY.

Item 115 – (Comm. 14E-80) Bond Resolution – \$25,000,000 – Acquisition of Land & Construction of New CPS Training Facility.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 116 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 319

Re: Purchasing Card Program – Comptroller's Office. (Comm. 14E-81)

WHEREAS, the Erie County Comptroller in consultation with Lumsden & McCormick, LLP and the Center for Governmental Research, Inc. has identified an opportunity to streamline efficiency in the procurement of high volume, low cost items and the corresponding vendor payment processing through the utilization of a purchasing card program, and

WHEREAS, a Request For Proposal (RFP) to contract for a purchasing card program for Erie County was issued, and

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WHEREAS, a RFP evaluation committee made up of representatives of the Erie County Comptroller's Office, the Division of Budget, Management & Finance, and Lumsden & McCormick, LLP, reviewed the responses to the RFP and requested vendor presentations, and

WHEREAS, based on the responses and vendor presentations, the RFP evaluation committee has identified HSBC Bank USA, as the vendor to implement a pilot purchasing card program, and

WHEREAS, there is no net fiscal impact with all banking fees to be waived.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for a pilot purchasing card program for Erie County with HSBC Bank USA, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Comptroller, Director of Budget, Management and Finance and the Director of Purchase.

MR. GREENAN moved the approval of the resolution. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

Item 117 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 320

Re: Issuance of Revenue Anticipation Notes.
 (Comm. 14E-82)

RESOLUTION NO. __ -2002

RESOLUTION DELEGATING TO THE COUNTY COMPTROLLER THE POWERS TO AUTHORIZE THE ISSUANCE OF \$70,000,000 REVENUE ANTICIPATION NOTES OF THE COUNTY OF ERIE, NEW YORK, OR SO MUCH THEREOF AS MAY BE NECESSARY, IN ANTICIPATION OF THE RECEIPT OF CERTAIN REVENUES FOR THE FISCAL YEAR ENDING DECEMBER 31, 2002, AND TO PRESCRIBE THE TERMS, FORM AND CONTENTS, AND PROVIDE FOR THE SALE AND CREDIT ENHANCEMENT OF SUCH NOTES.

RESOLVED BY THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK,
 AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), the power to authorize the issuance of Revenue Anticipation Notes (herein called "Notes") of the County of Erie, in the State of New York (the "County" and "State", respectively), in the aggregate principal amount of not to exceed \$70,000,000, and any notes in renewal thereof, is hereby delegated to the County Comptroller, as chief fiscal officer of the County.

Section 2. The Notes shall be issued in anticipation of the collection or receipt of revenues due to the County in the current fiscal year from (i) State Social Services aid and (ii) Social Services aid from the United States government, and the collection or receipt of revenues due and payable to the County in the current fiscal year from sales and compensating use taxes, and the proceeds of such Notes shall be used only for the purposes of paying the current expenses of the County for said fiscal year payable from the revenues in anticipation of which they are issued.

Section 3. The Notes shall contain the recital of validity prescribed by Section 52.00 of the Law and shall be general obligations of the County, and the faith and credit of the County shall be pledged to the punctual payment of the principal of and interest on the Notes and, unless the Notes are otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget of the County and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 4. Subject to the provisions of this resolution and the Law, and pursuant to Sections 50.00, 56.00, 60.00, and 168.00 of the Law, inclusive, the powers to prescribe the terms, form and contents, and all other powers or duties pertaining or incidental to the sale and issuance of the Notes authorized pursuant hereto, or any renewals thereof, including the power to determine the respective amounts of Notes to be issued in anticipation of said respective revenues specified in Section 2 hereof, and the power to enter into agreements for credit enhancement for the Notes, are hereby delegated to the Comptroller, as chief fiscal officer of the County.

Section 5. This resolution shall take effect immediately

MS. PEOPLES moved to send the item to the FINANCE & MANAGEMENT COMMITTEE. MR. DALE seconded. LEGISLATORS CHASE, CUSACK, DeBENEDETTI, GREENAN, LARSON, McCARVILLE, RANZENHOFER & WEINSTEIN voted in the negative.

FAILED. (WEIGHTED VOTE: 7.546 – 8.502)

MR. GREENAN moved the approval of the resolution. MR. RANZENHOFER seconded.

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

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AYES: DUSZA, FISHER, HOLT, KUWIK, PEOPLES, CHASE, CUSACK,
DeBENEDETTI, GREENAN, LARSON, McCARVILLE, RANZENHOFER & WEINSTEIN.
NOES: DALE, MARINELLI & SCHROEDER.

CARRIED. (WEIGHTED VOTE: 13.203 – 2.755)

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 118 – (Comm. 14D-1) Notice of County Executive Public Hearing for Local Law Int 6
– 2002.

RECEIVED, FILED & PRINTED.

June 21, 2002

VIA HAND DELIVERY

Ms. Laurie A. Manzella, Clerk
Erie County Legislature
25 Delaware Avenue, 7th Floor
Buffalo, New York 14202

RE: Notice of Public Hearing
Local Law Intro. No.6-2002

Dear Ms. Manzella:

Enclosed herein is a copy of the Public Hearing Notice for the above-captioned Local Law Intro., which was approved by the Erie County Legislature on June 20, 2002.

Please post the enclosed for the information for anyone who may be interested in attending this hearing.

Very truly yours,

FREDERICK A. WOLF
Erie County Attorney

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By: BRIAN D. WHITE
 Assistant County Attorney

SMB/fr encl.

cc: Frederick A. Wolf, Erie County Attorney
 Susannah M. Bochenek 1st Assistant County Attorney
 Thomas P. DeMartino, Esq., Senior Executive Assistant
 (all w/o attachment)

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Erie County Executive, Joel A. Giambra, will hold a public hearing, Tuesday, July 2, 2002 at 9 a.m., concerning:

A LOCAL LAW electing a retirement incentive program as authorized by Chapter 69, Laws of 2002, for the eligible employees of the County of Erie.

The hearing will be held at the County Executive's office, 95 Franklin Street, 16th Floor, in the City of Buffalo.

On June 20, 2002, the Erie County Legislature adopted Erie County Local Law Intro. No. 6 of 2002. Copies of the proposed Local Law are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 7th floor of 25 Delaware Avenue, in the City of Buffalo, New York.

JOEL A. GIAMBRA

ERIE COUNTY EXECUTIVE

FROM DEP

Item 119 – (Comm. 14D-2) Memo to Clerk of Legislature Re: 2003 EC Public Benefit – Economic Development / Community Improvement – Funding Application.

Received and filed.

FROM ECC

Item 120 – (Comm. 14D-3) Minutes of Board of Trustees Meeting Held 5/29/02.

Received and filed.

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FROM BUDGET, MANAGEMENT & FINANCE

Item 121 – (Comm. 14D-4) Letter to County Executive Re: 2002 Annual Report of EC Division of Real Property Tax.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM ECMC

Item 122 – (Comm. 14D-5) Minutes of Previous Meeting Held 5/31/02 & Agenda for Meeting Held 7/3/02.

Item 123 – (Comm. 14D-6) Notice of Rescheduled JCC/Planning Committee Meeting Held 7/3/02.

The above two items were received and filed.

FROM THE SHERIFF

Item 124 – (Comm. 14D-7) Response to State Comptroller's Audit.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 125 – (Comm. 14D-8) Notice of County Executive Approval of Local Law No. 2 – 2002 Local Law Int No. 6 – 2002.

RECEIVED, FILED & PRINTED.

July 2, 2002

VIA HAND DELIVERY

Laurie A. Manzella, Clerk
Erie County Legislature
25 Delaware Avenue, 7th Floor
Buffalo, New York 14202

RE: LOCAL LAW No. 2-2002

Dear Laurie:

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Enclosed is a certified copy of the above-referenced law for your files.

Very truly yours,

FREDERICK A. WOLF
 Erie County Attorney

BY: SUSANNAH M. BOCHENEK
 1st Assistant County Attorney

SMB/fr

Encl.

cc: Frederick A. Wolf, Erie County Attorney (w/o encl.)

A Public Hearing was held on the foregoing Local Law Intro. No. 6-2002 on Tuesday, July 2, 2002, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do here by APPROVE and SIGN said Local Law this 2nd day of July, 2002.

JOEL A. GIAMBRA

FROM BUDGET, MANAGEMENT & FINANCE

Item 126 – (Comm. 14D-9) Response to Expenditure Review of Tobacco Fund Capital Projects.

Item 127 – (Comm. 14D-10) Response to Review of Countywide Vendor Payments.

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLES AND OTHER AGENCIES

FROM SARATOGA COUNTY

Item 128 – (Comm. 14M-1) Certified Resolution Urging State of New York to Furnish Workers Compensation Coverage to Capital District Urban Tech Search & Rescue Team.

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Received and filed.

FROM THE NFTA

Item 129 –(Comm. 14M-2) Board Minutes.

Received and filed.

FROM THE BOARD OF HEALTH

Item 130 – (Comm. 14M-3) Notice of Meeting to be Held 7/18/02 & Agenda.

Received and filed.

FROM THE CITY OF BUFFALO

Item 131 – (Comm. 14M-4) Certified Resolution Re: Consolidation of ECC to a Single Campus in Downtown Buffalo.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM WESTCHESTER COUNTY

Item 132 – (Comm. 14M-5) Letter to Legislature Re: Neighbor Notification Law.

Received and filed.

FROM NAN & WALTER SIMPSON

Item 133 – (Comm. 14M-6) Letter to Legislature Re: Neighborhood Notification Law.

Received and filed.

FROM FERC

Item 134 – (Comm. 14M-7) Answer of NYPA to Comments Regarding Proposed Use of Alternative Licensing Procedures.

Received and filed.

FROM THE BUFFALO NIAGARA PARTNERSHIP

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Item 135 – (Comm. 14M-8) Who Does What? Advocacy Progress Buffalo Niagara NOW
May/June 2002.

Received and referred to the REGIONALISM AD HOC COMMITTEE.

FROM THE NYS FISH & WILDLIFE MANAGEMENT BOARD

Item 136 – (Comm. 14M-9) Region 9 Board Meeting Minutes from 6/6/02.

Received and filed.

FROM THE UB INSTITUTE FOR LOCAL GOVERNANCE & REGIONAL GROWTH

Item 137- (Comm. 14M-10) Cultural Tourism in Buffalo-Niagara Region.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE EC SOIL & WATER CONSERVATION DISTRICT

Item 138 – (Comm. 14M-11) Letter to Clerk of Legislature Re: Financial Report for 1/1/02 –
6/15/02.

Received and filed.

FROM THE FIRE SURVIVAL CENTER

Item 139 – (Comm. 14M-12) Letter to Legislator Fisher Re: Request for Assistance in Lieu
of City of Buffalo Funding.

Received and filed.

FROM THE NFTA

Item 140 – (Comm. 14M-13) Financial Statements 3/31/02 & 2001 with Independent
Auditors' Report.

Received and filed.

FROM THE NYS COMPTROLLER

Item 141 – (Comm. 14M-14) Annual Public Authority Data Request 2002.

Received and filed.

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FROM SENATOR RATH

Item 142 – (Comm. 14M-15) Receipt of Resolutions.

Received and filed.

FROM THE ECIDA

Item 143 – (Comm. 14M-16) Notice of Meeting Held 7/10/02.

Received and filed.

FROM SENATOR RATH

Item 144 – (Comm. 14M-17) Receipt of Resolution.

Received and filed.

FROM GOVERNOR PATAKI

Item 145 – (Comm. 14M-18) Receipt of Resolution.

Received and filed.

FROM THE BUFFALO & ERIE COUNTY WORKFORCE INVESTMENT BOARD

Item 146 – (Comm. 14M-19) Letter to Chairman DeBenedetti Re: Status Report on Rich Products Employee Training Project.

Received and filed.

FROM WALTER SIMPSON – SIERRA CLUB

Item 147 – (Comm. 14M-20) Copy of Letter to NYSDOT Re: Comments for Public Record on 2002 Route 219 Environmental Assessment.

Received and filed.

FROM THE BUFFALO COMMON COUNCIL

Item 148 – (Comm. 14M-21) Letter to Clerk of Legislature Re: Support for Neighbor Notification Law.

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Received and filed.

FROM SENATOR RATH

Item 149 – (Comm. 14M-22) Receipt of Resolution.

Received and filed.

FROM LOCUST STREET NEIGHBORHOOD ART CLASS

Item 150 – (Comm. 14M-23) Letter to Legislator Cusack Re: Effect of Loss of City of Buffalo Funding to Cultural.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM EL MUSEO

Item 151 – (Comm. 14M-24) Letter to Legislator Cusack Re: Effect of Loss of City of Buffalo Funding to Cultural.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NYS COMPTROLLER

Item 152 – (Comm. 14M-25) Copy of Aurora Water District 18 Application.

Received and filed.

FROM SCHAAK, WHIPPLE, CLARK, NELSON

Item 153 – (Comm. 14M-26) Notice of Claim.

Received and referred to the COUNTY ATTORNEY.

FROM THE ARTS COUNCIL IN BUFFALO & ERIE COUNTY

Item 154 – (Comm. 14M-27) Facing the Challenge – A Changed Landscape for Arts & Culture in Erie County.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

MEMORIAL RESOLUTIONS

Item 155 – Legislator Peoples requested that when this legislature adjourns, it do so in memory of Legislator Swanick as he serves in the military.

Item 156 – Legislator Larson requested that when this legislature adjourns, it do so in memory of Michelle Stribing.

Item 157 – Legislator Dale requested that when this legislature adjourns, it do so in memory of Clara Badzinski.

Item 158 – Legislator Chase requested that when this legislature adjourns, it do so in memory of Janet Cooper.

Item 159 – Legislator Chase requested that when this legislature adjourns, it do so in memory of Mel Van Note.

Item 160 – Legislator McCarville requested that when this legislature adjourns, it do so in memory of Peggy Balbach.

Item 161 – Legislator Greenan requested that when this legislature adjourns, it do so in memory of Stanley J. Forestal.

Item 162 – Legislator Fisher requested that when this legislature adjourns, it do so in memory of Peggy Balbach.

Item 163 – Legislator Cusack requested that when this legislature adjourns, it do so in memory of Rita Metzger.

Item 164 – Legislator Marinelli requested that when this legislature adjourns, it do so in memory of James Lindever.

Item 165 – Legislator DeBenedetti requested that when this legislature adjourns, it do so in memory of Sammy, Nick & James Calcaterra.

Item 166 – Legislator DeBenedetti requested that when this legislature adjourns, it do so in memory of Ken Turgen.

ADJOURNMENT

Item 167 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MEETING NO. 14
July 11, 2002

ERIE COUNTY LEGISLATURE

MR. GREENAN moved that the Legislature adjourn until 2 p.m. Thursday, July 18, 2002.
MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, July 18, 2002 at 2 p.m.
Eastern Standard Time.

LAURIE A. MANZELLA
CLERK